



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TAL  
Docket No: 6195-09  
30 April 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 28 April 2010. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

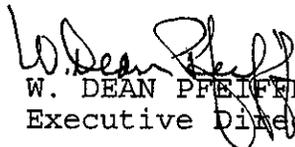
You enlisted in the Navy and began a period of active duty on 19 August 1986 at age 18. You received nonjudicial punishment (NJP) on four occasions from 24 February through 12 May 1988 for failure to obey a lawful order, drunk and disorderly conduct, falsifying a military identification card and failure to go to your appointed place of duty. After your second NJP, you were counseled and warned further misconduct could result in administrative separation. On 13 May 1988, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 26 May 1988, an ADB recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to a pattern of misconduct. Based on the information currently contained in your record it appears that subsequently, your commanding officer concurred with the ADB and forwarded your case to the discharge authority for review. On 23 June 1988, you again received NJP for two instances of unauthorized absence (UA) from your unit and failure to obey a

lawful order. On 14 July 1988, the separation authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct and you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service and the character letters. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in five NJPs. Additionally, after your second NJP, you were counseled and warned that further misconduct could result in administrative discharge action. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

  
W. DEAN PFEIFFER  
Executive Director