



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

TJR  
Docket No: 6521-09  
3 June 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 2 June 2010. The names and votes of the members of the panel will be furnished upon request. 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 on 3 August 1988 at age 17 and served without disciplinary incident until 29 October 1990, when you received nonjudicial punishment (NJP) for making a false official statement and altering a public record.

On 5 January 1991 you received NJP for failure to go to your appointed place of duty and making a false official statement. About six months later, on 17 June 1991, you received your third NJP for two specifications of impersonating an officer and wearing an unauthorized insignia.

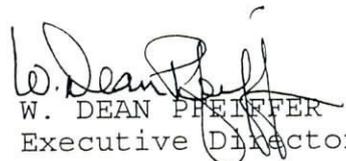
Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 24 July 1991 an ADB recommended discharge under honorable conditions by reason of misconduct due to commission of a serious offense. Shortly thereafter, your commanding officer, in concurrence with the ADB, also recommended discharge under

honorable conditions by reason of misconduct. On 7 October 1991 the discharge authority approved these recommendations and directed your commanding officer to issue you a general discharge by reason of misconduct due to commission of a serious offense, and on 16 October 1991, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that you were not impersonating a naval officer. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repeated misconduct which resulted in three NJPs. Finally, there is documented evidence in the record which is contrary to your assertion that you did not impersonate an officer on two separate occasions. Accordingly, your application has been denied.

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