



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

TJR
Docket No: 6765-09
4 June 2010

[REDACTED]

[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 3 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 16 August 1989 at age 19 and served without disciplinary incident until 29 March 1990, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty, failure to obey a lawful order, making a false official statement, and wrongful appropriation.

On 14 May 1991 you were convicted by special court-martial (SPCM) of four specifications of wrongfully and falsely making military identifications cards, and were sentenced to reduction to paygrade E-1. About two months later, on 11 July 1991, you received your second NJP for four specifications of failure to obey a lawful order and wrongful appropriation.

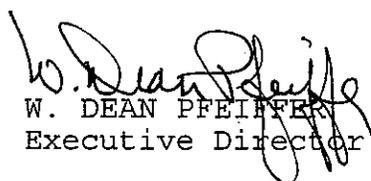
Subsequently, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 14 October 1991 the discharge authority

approved this recommendation and directed your commanding officer to discharge you under other than honorable conditions by reason of misconduct, and on 23~~rd~~ 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. 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 two NJPs and a SPCM. 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