



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

CRS
Docket No: 7549-09
27 September 2010

[REDACTED]

[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 July 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 6 June 2005. You received nonjudicial punishment on two occasions, for assault consummated by a battery and failure to obey a lawful order.

On 6 October 2008 an administrative discharge board recommended that you be separated from the Navy by reason of misconduct/pattern of misconduct, with a general discharge. The recommendation was modified by the separation authority, and you were discharged on 10 November 2008 with an honorable discharge.

In its review of your application, the Board carefully considered your unsubstantiated contention to the effect that you were the victim of unfair treatment, which contributed to your acts of indiscipline and that you were denied due process but found them insufficient to demonstrate that error or injustice occurred in your case or to warrant the approval of your request for corrective action. In addition, the Board noted that it is not authorized to compensate individuals for personal or legal damages of any type. 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