



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

JRE  
Docket No. 08600-09  
12 June 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 3 June 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.

You enlisted in the Navy Reserve and entered on active duty on 24 June 1987. You received nonjudicial punishment (NJP) on twelve occasions and were convicted by special court-martial of failing to report for restricted men's musters on multiple occasions and violation of a lawful general regulation by wrongfully possessing two U.S. Armed Forces Identification Cards. You were discharged from the Navy Reserve on 22 February 1993 with a bad conduct discharge pursuant to the approved findings and sentence of the special court-martial.

The Board was not persuaded that you lacked mental responsibility for your actions or that you were unfit for duty by reason of physical disability at the time of your discharge. It noted that you would not have been eligible for disability separation or retirement even if you had suffered from a condition that rendered you unfit for duty, because your conviction by special court-martial and punitive discharge would have taken precedence over disability evaluation processing. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your bad conduct discharge, 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