



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

SJN
Docket No: 08635-09
10 June 2010



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 8 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 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 25 November 1981. The Board found that you received nonjudicial punishments (NJP) for disobedience, assault, drunk and disorderly conduct, and incapacitation for the proper performance of your duties. Further, you were counseled on two occasions regarding not meeting weight/body fat requirements, placed on a controlled weight/body fat reduction program, and warned that if you failed to comply with the proper dietary regimen of the program, administrative discharge action could be initiated. Unfortunately, you failed to meet the expected weight loss and administrative discharge action was initiated by reason of convenience of the government due to obesity as evidenced by your failure to meet controlled weight/body fat reduction. You did not object to the administrative processing and subsequently received a general discharge on 11 March 1987.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your

discharge given your NJP for very serious offenses and failure to adhere to your command's weight/body fat reduction program. 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