



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

REC
Docket No: 08924-09
17 November 2009

[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 12 November 2009. 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 entered the Navy on 10 January 2009, at age 22 to pursue an officer commissioning program. On 17 April 2009, you graduated with class 13-09 from Officer Candidate School (OCS). However, you did not receive your commission to ensign because you requested that your designation be changed from supply to aviation. Subsequently, your request was approved contingent upon your physical qualifications. On 8 May 2009, a physical qualification waiver was accepted for your designation change.

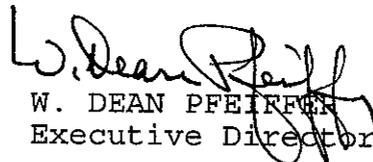
On 9 June 2009, a fellow officer candidate (OC) formally reported to her superiors that you had made verbal threats and physically assaulted her on 24 April 2009. A formal investigation was initiated and a protective order was issued for you to remain clear of this OC. You were reassigned to separate housing and provided specific instructions and policies concerning having no female visitors in your quarters. On 23 June 2009, you were videotaped escorting another female OC into your room. On 25 June 2009, a Disciplinary Review Board (DRB) convened regarding the allegations of the assault and orders violations charge. The DRB found you to be unfit as an officer and unanimously voted (5-0) that you be attrited from the Officer Training Command (OTC). On 2 July 2009, as a result of the

criminal investigation for the alleged assault and your unwillingness to accept responsibility for your actions, you were honorably discharged. Even though you successfully completed the OCS training and graduated, an additional requirement was to actually receive a commission. This action was placed on hold pending your medical condition and acceptance at flight school, Therefore, your appointment to ensign from the Secretary of the Navy did not occur.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your overall record of service, and statements in support of your request. Nevertheless, the Board concluded these factors were not sufficient to warrant reinstatement in the Navy as a commissioned officer, because of your disciplinary record from the DRB and your lack of accepting responsibility for your actions. Since you were never commissioned, the Board found that you are not entitled to any back pay or compensation. 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