



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

CRS
Docket No: 11300-09
12 February 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 16 December 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 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 Reserve on 25 February 1992 and reported to active duty on that date. A special court-martial convened on 3 February 1995 and found you guilty of unauthorized absence, wrongful use of marijuana, and breaking restriction and sentenced you to confinement, reduction in pay grade, forfeiture of pay, and a bad conduct discharge.

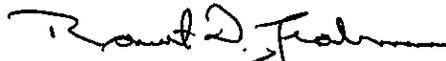
On 6 November 2008 the Naval Discharge Review Board upgraded your bad conduct discharge to a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your alleged medical condition and personal improvements. The Board concluded that those factors were insufficient to warrant recharacterization of your service, given your extensive disciplinary record and the serious nature of the offenses that resulted in your conviction by a special court-martial. 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,



For W. DEAN PFEIFFER
Executive Director