



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

REC
Docket No: 12120-09
25 August 2010

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 25 August 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 on 22 November 1989, at age 19. Between 23 November 1990 and 9 July 1993, you received three nonjudicial punishment's (NJP's). You committed the following offenses: being in an unauthorized absence status on three occasions for a period of 34 days. After your third NJP, you were counseled and warned that further misconduct would result in you being processed for an administrative discharge. On 13 July 1993, you were notified that administrative discharge procedures were initiated and that you would receive a general discharge and reenlistment code of RE-4 upon your separation. Your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of a general discharge. Your commanding officer concurred with the ADB and forwarded his recommendation that you be discharged with a general discharge by reason of misconduct. The discharge authority directed a general discharge by reason of misconduct. On 22 September 1993, you were so separated and assigned a reenlistment code of RE-4.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of three NJP's for misconduct. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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