



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

CRS
Docket No: 12262-09
17 February 2010

[REDACTED]

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This is in reference to your application for correction of your naval record dated 23 November 2009, in which you requested correction of your reason for discharge and your reentry code. The Board did not consider your request for correction of your reentry code, as that request was previously denied, and you have not submitted any new material evidence concerning that request.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 February 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.

The Board found that you enlisted in the Navy on 20 September 1989. You received nonjudicial punishments on two occasions for offenses that included failure to obey a lawful order and dereliction of duty.

On 12 June 1994 your commanding officer recommended that you be separated from the Navy with a general discharge by reason of misconduct due to the commission of a serious offense. After review by the discharge authority, the recommendation for separation was approved and on 8 August 1994 you were separated with a general discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record, and the unsubstantiated contention that your commanding officer stated that misconduct would not be the basis for your

discharge. The Board concluded that those factors were insufficient to demonstrate that the reason and authority for your discharge is erroneous or unjust. 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