



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

TJR  
Docket No: 12866-09  
15 September 2010

[REDACTED]

[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 14 September 2010. The names and votes of the members of the panel will be furnished upon request. 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 6 November 1989 at age 19 and served without disciplinary incident until 1 September 1993, when you received nonjudicial punishment (NJP) for failure to return a government vehicle, wrongful appropriation by depriving the use of a government vehicle, uttering a check without sufficient funds, and making a false official statement. The punishment imposed was reduction to paygrade E-3, extra duty for 60 days, and a suspended forfeiture of pay. The record does not reflect that you filed an appeal to the NJP.

Subsequently, on 5 December 1993, you were honorably released from active duty and transferred to the Naval Reserve. On 13 February 1997, at the expiration of your enlistment, you were honorably discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your period of honorable service prior to receiving NJP, desire to have the NJP removed from your record, and reinstatement in paygrade E-4. Nevertheless, the Board concluded that you have submitted no evidence to show that the NJP was improperly or inappropriately imposed. Further, it appears that you did not appeal the NJP. Finally, no NJP is removed from a record merely because of the passage of time. Accordingly, your application has been denied.

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