



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

BJG  
Docket No: 361-10  
21 September 2010



This is in reference to your application for correction of your late son's 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 21 September 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 son's 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 your son entered active duty in the Navy on 21 June 1985. He received nonjudicial punishment and was convicted by a special court-martial. His offenses included absence from his appointed place of duty, a 25 day period of unauthorized absence, and escaping from correctional custody. He was then notified that his commanding officer was going to administratively separate him with an other than honorable (OTH) discharge due to misconduct (commission of a serious offense). He waived all of

his procedural rights, including his right to an administrative discharge board (ADB). On 18 March 1987, he received the OTH discharge for misconduct (commission of a serious offense), and was assigned an RE-4 (not recommended for retention) reenlistment code.

The Board, in its review of your son's entire record, carefully considered all potential mitigation, such as his youth and your desire to upgrade his discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing his discharge due to his misconduct. The Board noted that he waived his right to an ADB, his best opportunity for retention or a better characterization of service. In view of the above, 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