



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

TJR
Docket No: 1610-10
18 November 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 16 November 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 18 September 1987 at age 19 and served for nearly a year without disciplinary incident. However, during the period from 2 August to 6 October 1988, you received nonjudicial punishment (NJP) on three occasions for three periods of absence from your appointed place of duty, two specifications of failure to obey a lawful order, an eight day period of unauthorized absence (UA), and being incapacitated for duty due to intoxication.

During the period from 5 June to 27 October 1989 you received NJP on three more occasions for disobedience, failure to obey a lawful order, and a one day period of UA.

On 2 April 1990 you received your seventh NJP for disrespect and were awarded restriction for 15 days, extra duty for 30 days, a \$724 forfeiture of pay, and reduction to paygrade E-1. Shortly thereafter, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense.

After waiving your procedural rights, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct due to commission of a serious offense, and on 18 April 1990, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in seven NJPs. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an administrative discharge board. 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