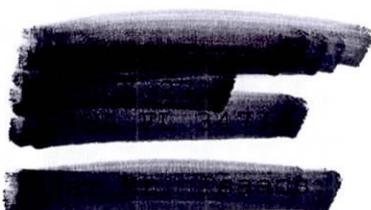




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BAN
Docket No: 05655-10
16 February 2011



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 9 February 2011. 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.

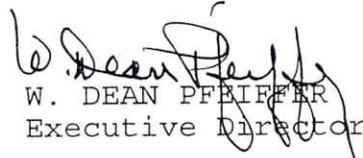
You entered active duty in the Navy on 26 July 1989, and served without disciplinary incident until 29 September 1990, when you received nonjudicial punishment (NJP) for being absent from your unit and disobeying a lawful order. Shortly thereafter, you received the following disciplinary actions: 30 November 1990, you received NJP for disrespect and failure to obey a lawful order; on 21 January 1991, you received NJP for failure to obey a lawful order; and on 19 March 1991, you were convicted at a special court-martial (SPCM) of an unauthorized absence in excess of 31 days, and breaking restriction. Your sentence at the SPCM included a bad conduct discharge (BCD). After appellate review, on 15 November 1993, you were separated from the Navy with a BCD and an RE-4 reentry code.

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

your youth and belief that your offenses do not warrant a BCD. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repeated acts of 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 PFIEFFER
Executive Director