



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

RDZ:ecb
Docket No. 05977-10
30 August 2010

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your 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 25 August 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.

You enlisted in the Navy on 24 April 2001 for a term of four years. Unfortunately you served only a little over two years and four months when you were discharged for repeated acts of misconduct. More specifically between July 2002 and March 2003 you received three nonjudicial punishments for underage drinking, violation of a general regulation, violation of a lawful order and disorderly conduct. Based on your record of misconduct your commanding officer recommended that you be administratively separated. Although he could have recommended that you receive an other honorable discharge (OTH) he chose instead to recommend a general discharge. When you learned of the more favorable recommendation you waived your right to an administrative discharge board (ADB) where with the assistance of a military lawyer you could have requested to be retained. On 19 September 2003 you received a general discharge.

The Board concluded in view of your frequent acts of misconduct you were indeed fortunate to have received a general discharge since Sailors with disciplinary records such as yours routinely receive an OTH. The Board also noted your performance mark of 1.7 and conduct mark of 1.3 fall short of the marks required for an honorable discharge.

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