



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

TJR
Docket No: 6182-10
14 April 2011

[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 12 April 2011. 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 26 July 1982 at age 18 and immediately began a period of active duty. You served without disciplinary incident until 4 October 1985, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. On 16 October 1985 you received NJP for failure to go to your appointed place of duty.

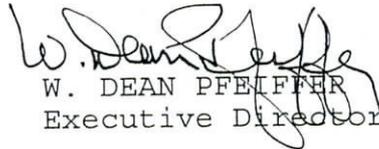
On 21 January 1986 were convicted by general court-martial (GCM) of 47 specifications of uttering checks in the amount of \$1,911 with intent to defraud. You were sentenced to confinement for 12 months, forfeiture of all pay and allowances, reduction to paygrade E-1, and a bad conduct discharge (BCD). Subsequently, on 13 May 1986, the BCD was approved at all levels of review, and on 6 April 1987, you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that you should not continue to be

punished for one mistake. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in a NJP and a GCM. Finally, there is documented evidence in the record that is contrary to your assertion of you being punished for just "one" mistake. 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