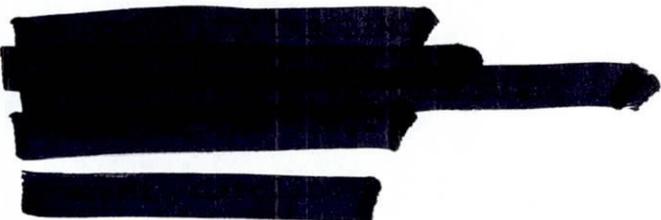




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 8469-10
14 April 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 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 reenlisted in the Navy on 16 May 1987 after nearly four years of prior honorable service. You continued to serve without disciplinary incident until 8 November 1994, when you were convicted by general court-martial (GCM) of larceny of housing allowances for the period from 24 March 1989 to 21 October 1994 and signing a false official document with intent to deceive the government. You were sentenced to confinement for nine months, forfeiture of all allowances and pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). Three months of the confinement was suspended for 12 months. Subsequently, the BCD was approved at all levels of review and on 22 July 1996, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, post service conduct, and desire to upgrade your discharge. It also considered the several accolades submitted in support of your request and your assertion that the

BCD is adversely affecting your ability to gain employment. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. 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