



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

CRS  
Docket No: 9380-09  
29 October 2010

[REDACTED]

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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 1 September 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.

The Board found that you enlisted in the Navy on 8 June 1999. On 20 September 2003 you received nonjudicial punishment for an unauthorized absence. On 18 December 2008 you were convicted by civil authorities of drunk driving and speeding. The court sentenced you to confinement for six months, a fine of \$330.00, and suspension of your driving privileges for one year. On 30 December 2008 you received nonjudicial punishment for drunk driving and wrongful use vicodin.

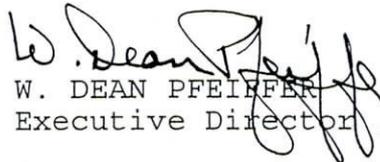
On 26 February 2009 an administrative discharge board (ADB) recommended that you be retained on active duty notwithstanding your extensive disciplinary record. On 6 March 2009 you received nonjudicial punishment for making a false official statement to the ADB. On 18 March 2009 your commanding officer recommended that you be separated from the Navy by reason of best interest of the service. On 14 August 2009 the Assistant Secretary of the Navy for Manpower and Reserve Affairs approved the recommendation and directed that you be discharged by reason of best interest of the service. You were discharged on 27 August 2009 with a

general discharge.

In its review of your application, the Board carefully considered your unsubstantiated contention to the effect that the ADB was improperly conducted. The Board concluded that you were fortunate to have had your service characterized as under honorable conditions, and that you have not demonstrated that it would be in the interest of justice for it to upgrade your discharge or reinstate you to active duty. 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