



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

BAN  
Docket No: 11203-10  
28 July 2011

[REDACTED]

[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 28 July 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 had prior honorable service with the Marine Corps. You reenlisted on 19 April 1990, and served without disciplinary incident until 22 April 1991, when you received nonjudicial punishment (NJP) for driving under the influence of alcohol. Shortly thereafter, on 31 May 1991, you received another NJP for making a false official statement and larceny. Furthermore, on 1 August 1991, you were convicted at a summary court-martial of a general orders violation. Therefore, you were recommended for administrative separation with an other than honorable (OTH) discharge due to a pattern of misconduct. You exercised your right to consult with counsel and request an administrative discharge board (ADB). The ADB found that you had committed misconduct and recommended separation with an OTH discharge. The separation authority approved the recommendation and on 17 December 1991, you were separated due to a pattern of misconduct

with an OTH discharge 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 claim that you were falsely charged. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your 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