



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

SJN
Docket No: 00924-11
2 November 2011

[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 1 November 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.

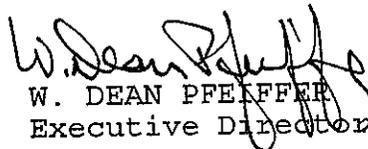
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 3 May 1988 after eight years of honorable service. The Board found that you received two nonjudicial punishments (NJP's) for three instances of assault, one of which involved you brandishing a loaded weapon at another Sailor while on base, two instances of disorderly conduct, and driving on base with an unregistered loaded weapon. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 6 April 1994, the ADB recommended separation with a general discharge by reason of misconduct. On 19 April 1994, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you receive a general discharge. On 11 May 1994, the separation authority directed a general discharge by reason of misconduct due to commission of a serious offense. On 25 May 1994 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable service and Good Conduct Medals. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's for very serious offenses. Finally, the Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often given when an individual is discharged for misconduct. 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