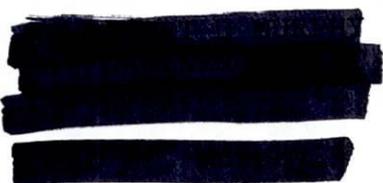




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 2052-11
30 March 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 29 March 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 Naval Reserve on 8 October 1986 at age 23 and began a period of active duty on 16 March 1987. You served without disciplinary incident until 20 August 1988, when you received nonjudicial punishment (NJP) for a one day period of unauthorized absence (UA). Six days later, on 26 August 1988, you received NJP for dereliction of duty, absence from your appointed place of duty, and four specifications of failure to obey a lawful order. Shortly thereafter, on 2 September 1988, you were convicted by summary court-martial (SCM) of three periods of absence from your appointed place of duty and two specifications of failure to obey a lawful order.

Subsequently, in October 1988, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct and commission of a serious offense. As a result of this action, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 25 November 1988, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your desire to upgrade your discharge and assertion that you were a model Sailor. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in two NJPs and a SCM. 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