



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 3409-11
23 January 2012

[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 18 January 2012. 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 Navy on 5 December 1990 at age 19 and began a period of active duty. You served without disciplinary incident until 13 September 1991, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty.

On 15 January 1993 you were convicted by special court-martial (SPCM) of a 92 day period of unauthorized absence (UA) and missing the movement of your ship.

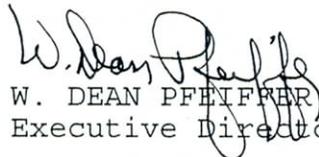
Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB), on 13 April 1993, your commanding officer

recommended you be issued a discharge under other than honorable conditions by reason of misconduct. On 18 May 1993 the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct due to commission of a serious offense. On 21 May 1993, while serving in paygrade E-2, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, desire to upgrade the characterization of your discharge, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct, which resulted in NJP and an SPCM. Further, the Board noted that you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Finally, no discharge is upgraded due solely to an individual's good post service conduct or the passage of time. 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