



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

BAN
Docket No: 03787-11
31 January 2012

[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 31 January 2012. 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 entered active duty in the Navy on 4 February 1992, and served without incident until 16 October 1992, when you received nonjudicial punishment (NJP) for unauthorized absence (UA), failure to obey a lawful order, and assault. Shortly thereafter, you received the following NJP: on 5 February 1994, for failure to obey a lawful order and disrespect toward a commissioned officer. You were also given a page 13 and retained in service barring any future misconduct. However, on 14 April 1994, you received another NJP for disorderly conduct and two specifications of failure to obey a lawful order. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to your pattern of misconduct. You waived your rights to consult with counsel and request an administrative discharge board (ADB). The separation authority approved the recommendation and on 22 April 1994, you were separated 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, family problems and claim that you are now homeless and need assistance from the veterans' administration. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of discharge due to your frequent acts of misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. 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