



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

TAL
Docket No: 4085-11
27 January 2012

[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 25 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.

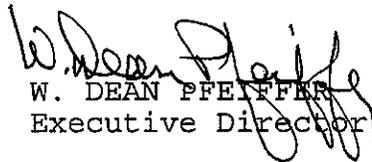
You enlisted in the Navy and began a period of active duty on 13 May 1991 at age 20. On 7 April 1993, you were convicted by civil authorities of petty theft and sentenced to three days confinement, a \$250 fine and three years probation. On 11 June 1993, you received nonjudicial punishment (NJP) for disobeying a regulation by drinking alcohol onboard a Navy vessel and drunk and disorderly conduct. On 23 September 1993, you were convicted by summary court-martial (SCM) of four instances of unauthorized absence (UA) from your unit totaling a period of 33 days. On 6 December 1993, you were again convicted by SCM of three instances of UA from your unit totaling a period of nine days, using disrespectful language toward a superior noncommissioned officer, resisting apprehension and drunk and disorderly conduct. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 4 January 1994, you were notified of pending administrative separation processing with an other than honorable (OTH) discharge due to misconduct (pattern of misconduct). You waived

all of your procedural rights, including your right to an administrative discharge board (ADB). On 27 February 1994, you received the OTH discharge for misconduct (pattern of misconduct).

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in a civil conviction, an NJP and two SCMs. Finally, the Board noted that you waived the 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