



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

TJR
Docket No: 4178-11
10 February 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 7 February 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 12 June 1990 at age 18 and began a period of active duty on 19 July 1990. You served for about a year without disciplinary incident, but during the period from 10 July 1991 to 29 July 1992 you received nonjudicial punishment (NJP) on three occasions for disobedience, nine periods of absence from your appointed place of duty, and a four day period of unauthorized absence (UA).

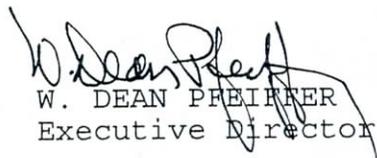
On 7 January 1993 you were convicted by summary court-martial (SCM) of attempted theft of a carburetor and were sentenced to confinement at hard labor for 30 days and a \$65 forfeiture of pay. Subsequently, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct and commission of a serious offense. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 22 April 1993 an ADB recommended a general discharge under honorable conditions by reason of misconduct due to commission of a serious offense. However, on 7 June 1993, your commanding officer recommended discharge under

other than honorable conditions by reason of misconduct. The discharge authority approved the recommendation of the ADB and directed a general discharge by reason of misconduct, and on 25 June 1993, you were so discharged and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge and change your reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct which resulted in three NJPs and a court-martial conviction. 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