



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

TJR  
Docket No: 4179-11  
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 14 June 1990 at age 18 and began a period of active duty on 6 June 1991. You served for about a year and three months without disciplinary incident, but on 24 September 1992 you received nonjudicial punishment (NJP) for wrongful use of another's calling card. During the period from 14 October 1992 to 3 August 1993 you were repeatedly counselled regarding your nonrecommendation for promotion, financial irresponsibility, lack of good judgment, continuous poor personal appearance, and failure to pass inspections.

On 1 September 1993 you received NJP for two periods of absence from your appointed place of duty and failure to pay a \$412.08 debt. Subsequently, on 14 September 1993, you were processed for an administrative separation by reason of misconduct due to a pattern of misconduct. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). However, you later waived this right and were advised that you could be issued a discharge under other than honorable condition. Your commanding officer recommended discharge under

other than honorable conditions by reason of misconduct due to a pattern of misconduct as evidenced by two NJPs and repeated counselling. The discharge authority approved this recommendation and directed discharge under other than honorable conditions by reason of misconduct, and on 16 November 1993, 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 and desire to upgrade your discharge. 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 repeated counselling. 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