



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

TAL  
Docket No: 4208-11  
2 March 2012



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 29 February 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 1 May 1986 at age 19. During the period of 21 August 1986 through 25 September 1988, while stationed on the USS HAEKAKA, you received nonjudicial punishment (NJP) on nine occasions for two instances of insubordinate conduct toward a superior noncommissioned officer, two instances of using provoking speech and gestures, three instances of unauthorized absence from your unit, failure to obey a lawful order, dereliction in performance of duty and three instances of being absent from your appointed place of duty. Based on the information currently contained in your record it appears that you were subsequently retained in the naval service and on 26 September 1988, transferred to the USS CONSTELLATION. On 17 August 1989, you received NJP for failure to go to your appointed place of duty. On several occasions you were counseled regarding your misconduct and

warned that further offenses could result in administrative separation. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct. You elected to present your case to an administrative discharge board (ADB). On 1 October 1989, an ADB unanimously recommended discharge under other than honorable (OTH) conditions by reason of misconduct due to a pattern of misconduct. The separation authority approved and directed your separation. On 7 December 1989, you were discharged under OTH conditions due to misconduct (pattern of misconduct).

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. 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 10 NJPs. Finally, no discharge is upgraded merely because of the passage of time. 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