



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

TAL  
Docket No: 4211-11  
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.

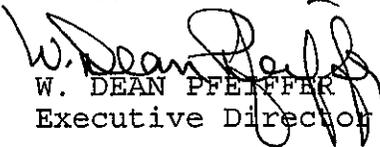
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 1 August 1988 at age 18. You received nonjudicial punishment (NJP) on seven occasions for five instances of failure to go to your appointed place of duty, and three instances of unauthorized absence (UA) from your unit for a period totaling 16 days. On 13 November 1991, you were convicted by summary court-martial (SCM) of UA from your unit for a period of 39 days. On 27 January 1992, you were again convicted by SCM of UA from your unit for a period of 30 days. You were counseled after your fifth NJP regarding your misconduct and warned that further offenses could result in administrative separation. On 6 February 1992, 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 24 February 1992, 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 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 seven NJPs, two SCMs, and over three months of UA. Finally, there is no provision of law or in Navy regulation that allows for recharacterization of service due solely to 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