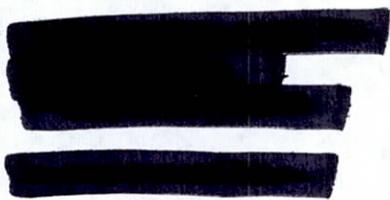




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 04505-11
14 February 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 14 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.

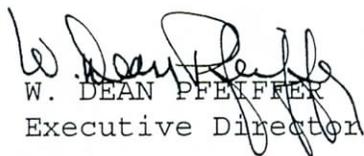
You enlisted in the Navy and began a period of active duty on 19 August 1988. The Board found that on 7 December 1989, you were counseled regarding underage drinking, and warned that further misconduct could result in administrative discharge action. On 7 July and 4 August 1993, you received nonjudicial punishment (NJP) for two instances of disobedience, five instances of being absent from your appointed place of duty, and failure to go to your appointed place of duty. On 9 December 1993, you were convicted by a summary court-martial (SCM) of six periods of unauthorized absence totaling 28 days. You were sentenced to confinement, a forfeiture of pay, and a reduction in paygrade. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On

4 February 1994, the ADB recommended separation with a general discharge by reason of misconduct. On 7 March 1994, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged. The discharge authority directed a general discharge by reason of misconduct. On 11 March 1994 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's, conviction by SCM, and the fact that you were warned of the consequences of further misconduct. Finally, the Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. 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 PFENFFER
Executive Director