



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

REC
Docket No: 01687-12
6 December 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 5 December 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.

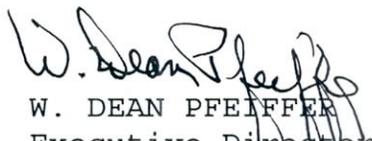
You enlisted in the Navy and began a period of active duty on 22 December 1997, at age 18. On 26 August 1998, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for 26 days. On 27 August 1998, you were arrested by civilian authorities for driving under the influence of alcohol. On 8 September 1998, you were notified that administrative discharge procedures were initiated and that you would receive an other than honorable (OTH) discharge due to misconduct. On 17 September 1998, your commanding officer forwarded his recommendation that you receive an OTH discharge by reason of misconduct. The discharge authority directed an

OTH discharge. You were so discharged on 2 October 1998, and assigned an RE-4 (not recommended for retention) reentry code. On 27 December 1999, the Naval Discharge Review Board upgraded your characterization of service to general under honorable conditions.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your record of service. However, the Board found that these factors were not sufficient to warrant any further change in your characterization of service, separation code or reentry code, given your record of an NJP, civil involvement for misconduct and non-recommendation for retention. The Board also noted that you were fortunate that the Naval Discharge Review Board upgrade your OTH to a general discharge. 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