



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

SJN  
Docket No: 03224-12  
26 February 2013

[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 20 February 2013. 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.

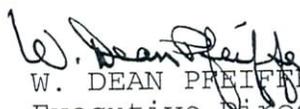
You enlisted in the Navy and began a period of active duty on 20 June 1989. The Board found that on 17 January 1990, you received nonjudicial punishment (NJP) for disobedience. You received a forfeiture of pay and were warned that further misconduct could result in administrative discharge action. On 12 August 1991, you were found guilty by Mexican civil authorities of attempting to smuggle a weapon across the border into the United States. You were sentenced to a fine and held for an additional seven days pending appeal. You were returned to military authorities on 20 August 1991. On 4 September 1991 and 21 May 1992, you received NJP for two periods of unauthorized absence (UA) totaling 31 days and missing movement through design. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 28 May 1992, your case was forwarded recommending that you be discharged under other than honorable (OTH) conditions by reason

of misconduct. The separation authority concurred and directed an OTH discharge by reason of misconduct due to a pattern of misconduct. You were so discharged on 16 June 1992.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's, civil conviction by foreign authorities for a very serious offense, and the fact that you were warned of the consequences of further misconduct. Finally, the Board also noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. 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