



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

RDZ:ecb
Docket No. 07417-12
10 October 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 2 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 1 June 1999 for a term of four years. Unfortunately you only served a little over one year and five months when you were administratively separated with an other than honorable discharge (OTH) due to your commission of a serious offense. Specifically a little more than eight months after your enlistment you went on unauthorized absence (UA) on two occasions. The first period lasted two days and ended when you surrendered. The second period started soon after your first UA ended and lasted 41 days. Your record shows that the 41 day period of UA ended when you were apprehended. On 25 July 2000 were tried and convicted by special court-martial of the aforementioned periods of UA as well as missing movement. Following your court-martial you were for separation with an OTH due to commission of a serious offense. When you were

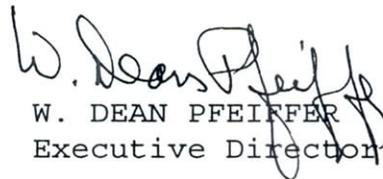
informed of the recommendation for an OTH you waived your right to appear before an administrative discharge board (ADB) where, with the assistance of a military lawyer you could have argued for and requested retention or a more favorable characterization of service. Your case was reviewed by the Assistant Secretary of the Navy who then directed that you be issued an OTH which you received on 9 November 2000.

In its review of your application the Board concluded that in view of the seriousness of your misconduct which occurred less than a year after your enlistment as well as your apparent willingness to accept an OTH rather than even attempt to serve out your enlistment, your discharge was both legally proper and fair as issued and should not be changed now as a matter of clemency.

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