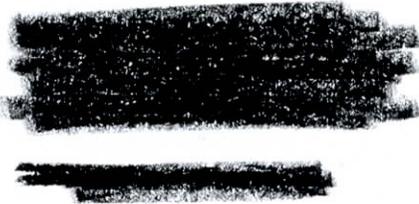




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 12396-12
23 July 2013



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 17 July 2013. The names and votes of the members of the panel will be furnished upon request. 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 entered the Navy on 12 September 1997. On 2 November 2011, you received nonjudicial punishment (NJP) for five instances of failure to obey lawful regulations. On 2 November 2011, your commanding officer forwarded a request that you be detached for cause due to misconduct and unsatisfactory performance of duty. On 5 July 2012, Commander, Navy Personnel Command (CNPC) approved your command's request to detachment you for cause. You were notified of pending administrative discharge processing due to misconduct (commission of a serious offense). After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 25 July 2012,

the ADB found that you committed misconduct and recommended that you be separated with an honorable discharge. On 14 August 2012, you received the honorable discharge for misconduct (commission of a serious offense).

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your over 14 years of prior honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant a change in the narrative reason for separation given the seriousness of your misconduct. The Board also believed that you were fortunate to receive an honorable discharge since a discharge under other than honorable conditions is often directed when a Sailor is discharged due to 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 PFEIFFER
Executive Director