



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SJN  
Docket No: 00271-13  
17 October 2013



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 16 October 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 4 October 1989. The Board found that during the period from 12 July 1990 to 31 May 1991, you received three nonjudicial punishments (NJP's) for seven periods of unauthorized absence (UA) totaling 56 days. On 1 March 1992, you were convicted by summary court-martial (SCM) of three specifications of UA totaling 143 days and three specifications of missing ship's movement through design. You were sentenced to 30 days of confinement. Subsequently, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). 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 commission of a serious offense. You were so discharged on 20 May 1992.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, desire to upgrade your discharge and contention that you were given a hardship discharge. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge given your three NJP's and conviction by SCM of periods of UA that lasted over four months. Finally, the Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Concerning your contention that you were given a hardship discharge, there is no evidence in the record to support it, and you submitted no such evidence. 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