



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

TRG
Docket No: 2009-01
16 August 2001

[REDACTED]

Dear [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 16 August 2001. 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 20 August 1984 for four years at age 22. The record shows that you served without incident for about 34 months. However, on 8 June 1987 you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. The punishment imposed was a suspended reduction in rate from ET3 (E-4) to ETSN (E-3). On 20 May 1988 you received another NJP for two instances of failing to go to your appointed place of duty. The punishment imposed was a reduction in rate to ETSN. That same day you were counseled and warned that further misconduct could lead to discharge processing. Seventeen days later, on 17 June 1988 you received NJP for a period of unauthorized absence and disobedience.

Based on the foregoing record, you were processed for an administrative discharge due to a pattern of misconduct. At that time, you stated "I do not object to this separation." Subsequently, the discharge authority directed a general discharge by reason of misconduct and you were so discharged on 1 July 1988.

In your application, you request a correction to the record to

show that you were not reduced from ET3 to ETSN. You contend that the record shows that you were suffering from emotional problems and accordingly a reduction in rate was too severe. However, the Board noted that there is nothing in your service or medical records to show that you were suffering from emotional problems. The Board also noted that NJP evidence is routinely destroyed after two years and the facts and circumstances which led to the NJP are unknown. Since the record shows that you committed multiple instances of misconduct, the Board concluded that the commanding officer did not abuse his discretion when he reduced you in rate on 20 May 1988.

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