



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

CRS
Docket No: 2160-01
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, 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 15 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.

The Board found that you reenlisted in the Navy on 20 September 1989 after more than seven years of prior active service. You served without incident until 26 January 1996 when you received nonjudicial punishment for sexual harassment of three female subordinates by asking them for dates and commenting on their physical features on several occasions from October through December 1995. The punishment imposed consisted of a reduction in pay grade from EN1 (E-6) to EN2 (E-5). On 31 December 1997 you were transferred to the Fleet Reserve as an EN2.

The Board noted your contention that you should have been allowed to retire as an EN1 but found it insufficient to warrant restoration to that rate. In this regard, the Board could not find any mitigating circumstances that constituted sufficient grounds for restoration in rate, given the seriousness of the offenses. In this regard, the Board noted that you sexually harassed three different junior female Sailors on more than one occasion over a protracted period of time. 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