



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

TJR
Docket No: 6070-01
12 March 2002



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 5 March 2002. 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.

The Board found you enlisted in the Naval Reserve on 31 October 1985 at the age of 17, and on 28 July 1986 you began a three year period of active duty. Your record reflects that you served for about two years and five months without disciplinary incident, but on 5 May 1988 you received nonjudicial punishment (NJP) for a 49 day period of unauthorized absence (UA) and two periods of absence from your appointed place of duty. The punishment imposed was reduction to paygrade E-2 and a forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of misconduct due to commission of a serious offense as evidenced by the 5 May 1988 NJP. At that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. Your commanding officer recommended an other than honorable discharge by reason of misconduct due to commission of a serious offense. The discharge authority approved the foregoing recommendation and on 23 May 1988 you were so discharged and assigned an RE-4 reenlistment code.

Your record also reflects that on 29 January 1996 the Naval Discharge Review Board (NDRB) upgraded the characterization of your discharge to general under honorable conditions. However, the narrative reason for separation remained the same and you were advised that NDRB could not change your reenlistment code.

On 26 March 1996, this Board denied your requests for further recharacterization of your service, and changes in your narrative reason for separation and reenlistment code. Subsequently, you submitted an application for reconsideration of your case based on your post service conduct, to include reenlistment in the Naval Reserve.

In reconsidering your entire record and application the Board carefully weighed all potentially mitigating factors, such as the NDRB decision to upgrade your discharge and the foregoing reenlistment. The Board, however, concluded these factors were not sufficient to warrant further recharacterization of your discharge or change your narrative reason for separation or reenlistment code since they were properly assigned at the time. Given all the circumstances of your case, the Board concluded the your discharge, narrative reason for separation, and reenlistment code were proper and no changes are warranted. 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