



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

WMP

Docket No: 3420-02
5 September 2002

[REDACTED]

[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 5 September 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 14 December 1998 for four years at age 19. You served without incident until 8 June 1999, when you received nonjudicial punishment for two instances of failure to be at your appointed place of duty. The punishment imposed was a forfeiture of \$150.

Your record further reflects that on 5 August 1999 you were convicted by a summary court-martial of failure to be at your appointed place of duty, disobeying an officer, disrespect to a chief petty officer, underage drinking, and assaulting another individual by hitting him in the face. You were sentenced to a forfeiture of \$300 and 15 days of confinement. On 13 August 1999, the convening authority approved the adjudged sentence and ordered its execution.

On 8 September 1999 you were notified that separation action was being initiated by reason of misconduct due to commission of a serious offense and a pattern of misconduct. You were advised of and waived all of your procedural rights.

On 13 September 1999, your proposed administrative separation was forwarded to the discharge authority, who directed discharge under other than honorable conditions. On 29 September 1999 you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and your feelings that you were cheated out of your career due to lack of help from your supervisors. However, the Board found that your other than honorable discharge was appropriately issued, based on your summary court-martial conviction and NJP which included instances of unlawful use of alcohol, failure to be at your appointed place of duty, and striking another individual. Further, you have submitted no evidence, and the record contains none to support your contention of a problems with your supervisors. 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