



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

CRS  
Docket No: 6287-09  
20 July 2009



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 1 July 2009. 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 4 May 1991. On 24 February 1993 you were convicted by civil authorities, pursuant to your pleas of guilty, of first degree murder and conspiracy to commit capital murder. The court sentenced you to confinement for life for murder and confinement for 20 years for conspiracy to commit capital murder, with the sentences to run concurrently.

On 20 April 1993 an administrative discharge board recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious offense. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 15 June 1993 with a discharge under other than honorable conditions.

In its review of your application, the Board carefully considered your contention to the effect that you were innocent of the charges. As noted above, you pleaded guilty to the charges. In addition, the Board could not find any evidence in the available

records or your application which corroborates that contention. Accordingly, and as you have not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge, 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 PREIFNER  
Executive Director