



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

REC
Docket No: 08319-09
10 June 2010

[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 9 June 2010. 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.

You enlisted in the Navy and began a period of active duty on 2 July 1985, at age 21. On 26 February 1987, you received nonjudicial punishment (NJP) for operating a vehicle in a reckless manner. On 19 June 1987, you received NJP for being disrespectful, failure to obey a lawful order, dereliction in the performance of your duty by consuming alcohol, being drunk and disorderly, and wrongfully communicating a threat. On 29 June 1987, you were convicted at a general court-martial (GCM) for being disrespectful in language, willfully destroying military property, three instances of wrongfully receiving stolen property, assault and wrongful use of cocaine. You were sentenced to a forfeiture of all pay and allowances, confinement for 42 months, and a dishonorable discharge (DD). On 29 June 1988, you were convicted at your second GCM for attempting to escape confinement, and communicating a threat. You were sentenced to forfeiture of all pay and allowances, confinement for 22 months, and a bad conduct discharge. The discharge authority directed the execution of your DD. On 6 October 1990, you were placed on appellate leave. On 10 December 1992, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of two NJP's and two convictions by GCM. 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