



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

CRS  
Docket No: 285-10  
14 October 2010

[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 13 October 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 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 Reserve on 24 February 1987. On 19 November 1990 you received nonjudicial punishment for attempted general larceny. On 13 February 1991 you were convicted by civil authorities of petty larceny. The court sentenced you to confinement for nine years.

On 10 May 1991 an administrative discharge board recommended that you be separated with a discharge under other than honorable conditions by reason of misconduct due to civil conviction. Subsequently, on 24 May 1001 you received nonjudicial punishment for failure to obey a lawful order, making a false official statement, assault consummated by a battery, and communicating a threat. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 16 August 1991 with a discharge under other than honorable conditions.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and overall

service record, but found those factors insufficient to warrant recharacterizing your service. 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