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

REC
Docket No: 04435-10
4 February 2011

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 2 February 2011. 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 23 June 1986. On 16 January 1987, you were counseled concerning your failure to pay just debts. On 7 February 1990, you were counseled concerning your physical readiness test failure. On 21 March 1990, you received nonjudicial punishment (NJP) for being absent without leave, and failure to obey a lawful order. On 21 July 1992, you cashed a personal check with the USS ███ ██████ disbursing office in the amount of $510, with insufficient funds. On 1 September 1993, your command was informed that you were delinquent on payments to the Navy Exchange in the amount of $650, and you were counseled concerning your failure to pay just debts. On 2 May 1994, you were counseled concerning your failure to pay just debts and provided assistance. On 13 July 1994, your command was notified of additional unpaid debt totaling $3,919.73. On 25 August 1994, your command was notified that you continued to have an outstanding debt with the Navy Exchange which had increased to $1,233.26. On 29 November 1994, you were counseled concerning your security clearance being revoked. Administrative discharge action was initiated by reason of misconduct (pattern of

misconduct). Your case was heard by an administrative discharge board (ADB), which voted three to one in favor of an administrative honorable discharge due to misconduct. Your commanding officer concurred with the ADB's finding and forwarded his recommendation that you be discharged with an honorable characterization by reason of misconduct (pattern of misconduct). On 17 March 1995, you received the honorable due to a pattern of misconduct. At that time you were assigned an RE-4 reentry code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant any change in your narrative reason for separation, separation code or reentry code given your record of one NJP, and serious misconduct. The Board also noted that you were fortunate to receive an honorable discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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