



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

RDZ:ecb
Docket No. 05617-11
25 October 2011

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


You enlisted in the Navy at age 24 on 8 January 2003 for a term of four years. Unfortunately you only served a little more than one year and ten months of active duty when you were administratively separated with an other than honorable discharge (OTH) due to misconduct. Specifically between May 2004 and January 2005 you received three nonjudicial punishments for eight episodes of unauthorized absence the last of which was for 26 days. When you were informed that you were being recommended for an OTH based on your record of misconduct you waived your right to appear before an administrative discharge board where with the assistance of a military attorney you could have offered evidence and arguments as to why you should be retained or given a better discharge.

In its review of your application the Board concluded that in view of the frequency of your offenses, the seriousness of your last period of unauthorized absence (26 days) and your apparent willingness to accept an OTH rather than try to serve out your enlistment your discharge was proper as issued and should not be changed now as a matter of clemency.

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