



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

TAL  
Docket No: 11889-10  
3 August 2011

[REDACTED]

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 27 July 2011. The names and votes of the members of the panel will be furnished upon request. 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 20 March 1989 at age 18. On 2 November 1989, you received nonjudicial punishment (NJP) for larceny and wrongful appropriation. On 10 February 1991, you received NJP for two instances of assault. On 14 June 1991 you were convicted at summary court in Yokosuka, Japan, of driving while under the influence of alcohol. You were fined 80,000 yen. On 9 August 1991, you received NJP for unauthorized absence (UA) from your unit, missing ship's movement and larceny. After your first NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. You were notified of pending administrative discharge processing with a general discharge due to misconduct (commission of a serious offense). After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 16 October 1991, the ADB found that you committed misconduct and recommended that you be separated with a general discharge.

The separation authority agreed with the recommendation of the ADB and directed your commanding officer to issue you a general discharge by reason of misconduct and on 25 February 1992, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in three NJPs and a civil conviction. The Board also believed that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when a Sailor is separated for 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