



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

RDZ:ecb  
Docket No. 12360-10  
18 February 2011

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

You enlisted in the Navy on 1 October 1996 for a term of four years. Unfortunately you only served for slightly more than ten months and were discharged for misconduct. Specifically on 10 July 1997 you received nonjudicial punishment for assaulting another Sailor and a third class petty officer. Over the next few weeks you were an unauthorized absentee on eleven occasions for which you were about to be court-martialed. After conferring with a military lawyer you requested that you be issued an other honorable discharge (OTH) in lieu of being court-martialed and thereby avoid the very real possibility of receiving a bad conduct discharge and a period of confinement at hard labor. Your request was granted but before you could be discharged you again became an unauthorized absentee.


Consequently you were discharged in absentia with an OTH on 15 August 1997.

In its review of your application the Board concluded that due to your frequent acts of misconduct which occurred over a relatively brief period of your military service as well as your willingness to accept an OTH your discharge was proper as issued and should not be changed now as a matter of clemency. In this regard you received significant leniency when your request for an OTH was approved.

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,

<sup>1</sup>  
  
W. DEAN PFEIFFER  
Executive Director

Enclosure