



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

RDZ:ecb
Docket No. 12627-10
25 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 16 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 8 October 2002 for a term of four years. Unfortunately you only served a little over two years and were discharged for misconduct. More specifically between July and October of 2004 you received two nonjudicial punishments (NJP) for failure to obey a lawful written order and commission of a serious offense. Moreover you had marks 2.0 in conduct 1.83 in overall trait average which are below the marks required for an honorable discharge. Based on your documented military infractions you were separated for misconduct with a general discharge.

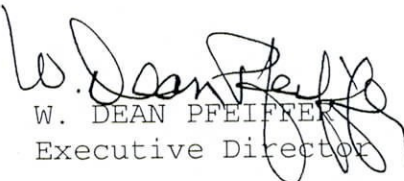
In its review of your application the Board concluded that in view of your disciplinary record and low grades you were indeed fortunate

to have received a general discharge. Sailors who are discharged for misconduct with records such as yours are routinely issued other than honorable discharges.

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