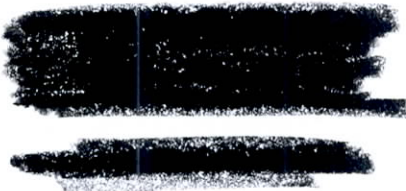




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 00313-13
23 October 2013



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 22 October 2013. 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.

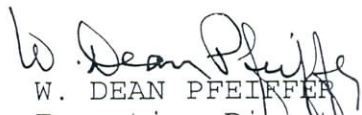
You enlisted in the Navy and began a period of active duty on 18 January 2006. The Board found that on 28 September 2006 and 15 February 2007, you received nonjudicial punishment (NJP) for unauthorized absence, disobedience, making a false official statement, and assault. Subsequently, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. In the absence of a complete discharge package in your record, the Board presumed regularity of governmental affairs. As such, the Board presumed that you were properly notified of the proposed separation processing and afforded all of your procedural rights. Your case was forwarded and you were so discharged with a general characterization of service on 26 March 2007.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service, character letters, and desire to have your NJP's removed from your record. Nevertheless, the Board concluded these factors were not sufficient to warrant removing the two NJP's you

received while on active duty. Your commanding officer's decisions to impose NJP on both occasions were appropriate, and were administratively and procedurally correct as written and filed. The Board further concluded that the removal of your NJP's is not warranted, and that such action would have been unfair to your peers, against whom you were competing for promotions and assignments. 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