



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

JRE

Docket No. 5790-13
13 December 2013



Dear [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 5 December 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 28 March 1986. You received nonjudicial punishment on two occasions for minor offenses, and were convicted by special court martial of wrongful use of marijuana, wrongful appropriation of a flight jacket, and disrespect to a petty officer. You underwent a pre-separation physical examination on 11 May 1987 and were found qualified


for separation. You were separated from the Navy on 2 March 1988 with a bad conduct discharge.

The available records do not demonstrate that you were unfit for duty by reason of physical disability on the date of your discharge. You would not have been entitled to disability separation or retirement on that date even if you had been unfit because your court-martial and punitive separation would have taken precedence over disability processing.

In view of the foregoing, and as you have not demonstrated that it would be in the interest of justice to upgrade your discharge, the Board was unable to recommend favorable action on your request. Accordingly, your application has been denied. The names and votes of the panel members 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