



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

TRG
Docket No: 3919-98
8 July 1999

[REDACTED]

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 7 July 1999. 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.

The Board found that you enlisted in the Navy on 17 June 1992 at age 19. The record shows that you received nonjudicial punishment on two occasions and were convicted by a summary court-martial. Your offenses were malingering, two periods of unauthorized absence totaling about 13 days and missing ship's movement. Thirty-six days after the summary court-martial, on 5 May 1994, you began a period of unauthorized absence which lasted until you surrendered on 21 June 1994, a period of about 46 days.

Based on the foregoing record, you were processed for an administrative discharge. In connection with processing you elected to waive your right to have your case heard by an administrative discharge board. On 12 July 1994 the discharge authority approved the recommendation of your commanding that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 25 July 1994.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and the documentation you submitted showing that you have been steadily employed since discharge. The Board found that these factors

were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

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