



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

FC  
Docket No: 00433-03  
9 June 2003

[REDACTED]

[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 4 June 2003. 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 7 October 1998 at age 19. On 14 May 1999, you received nonjudicial punishment (NJP) for underage drinking and making a false official statement by presenting a false identification card. You were awarded a forfeiture of pay, restriction, and extra duty. On that same day, you were counseled and about your substandard conduct and advised that future misconduct could result in processing for administrative separation. On 16 December 2000, you were counseled again about your substandard conduct. On 6 June 2001, you received a second NJP for failure to obey an order by wearing a tongue ring while in uniform, false official statements, use of provoking speeches and gestures, and insubordination. You were awarded restriction, extra duty, forfeitures of pay, and a reduction to paygrade E-3.

On 18 June 2001, you were notified of administrative separation processing and waived all of your procedural rights except the right to obtain copies of documents supporting the basis for the proposed separation. On 5 July 2001, you received a general discharge by reason of misconduct due to commission of a serious offense.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board found that this factor was not sufficient to warrant recharacterization of your discharge given the misconduct that resulted in two NJPs. In this regard, the Board noted that individuals separated for misconduct are normally discharged under other than honorable conditions. Therefore, you were fortunate to receive a general discharge. 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