



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 8563-98

9 September 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 3 August 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. The Board also considered a letter of 26 March 1999 from your former command, a copy of which is attached.

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 11 June 1997 at age 18. Your record reflects that on 17 December 1997 you received nonjudicial punishment (NJP) for making false official statements and larceny. The punishment imposed consisted of a forfeiture of \$450 per month for two months and restriction and extra duty for 30 days.

On 11 February 1998 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to commission of a serious offense. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge on 3 March 1998.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and

immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the offenses. Therefore, the Board concluded that no change to the discharge is warranted.

Concerning your request for the removal of the 17 December 1997 NJP, the Board noted your contentions. However, you have submitted no evidence, and the record contains none, to support the contention that your NJP should be removed. In the absence of such evidence, the Board presumed that your commanding officer did not abuse his discretion in imposing the NJP. Along these lines, the Board substantially concurred with the comments in the letter of 26 March 1999. Accordingly, the Board concluded that your NJP was not unjust.

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

Copy to: The American Legion



DEPARTMENT OF THE NAVY
NAVAL TECHNICAL TRAINING CENTER
CORY STATION PENSACOLA
640 ROBERTS AVENUE
PENSACOLA, FLORIDA 32511-5138

IN REPLY REFER TO

5800

Ser Leg/323

26 Mar 99

From: Commanding Officer, Naval Technical Training Center, Corry Station,
Pensacola, Florida

To: Chairman, Board for Correction of Naval Records

Subj: REQUEST FOR NONJUDICIAL PUNISHMENT DOCUMENTATION IN THE
CASE OF [REDACTED]

Ref: (a) Your ltr AEG:jdh, Docket Number 8563-98 of 16 Mar 99

Encl: (1) Copy of NAVPERS 1626/7 w/attachments

(2) Copy of Administrative separation paperwork [REDACTED]

(3) Copy of NEX ltr of 14 Nov 97

(4) Copy of page 6 ICO [REDACTED]

(5) Copy of civil court disposition ICO [REDACTED]

1. On or about 3 October 1997, [REDACTED] reported that two rings, cash and some clothing had been stolen from her barracks room. [REDACTED] was her roommate and had access to the stolen property. The third roommate, [REDACTED] also had personal property stolen from the room. No thefts occurred until [REDACTED] became their roommate.

2. In her first statement, [REDACTED] denied stealing the rings but stated she drove [REDACTED] Hall to the pawn shop. [REDACTED] said that [REDACTED] attempted to pawn a ring but was unsuccessful because she did not have a driver's license. [REDACTED] said [REDACTED] asked her to pawn the ring on her behalf. [REDACTED] states she went into the pawn shop and pawned the ring and gave the money to [REDACTED]. [REDACTED] was aware that [REDACTED] had transferred from the command overseas to Guam.

3. The pawn shop owner stated that no other woman came into her pawn shop before or after [REDACTED]. The pawn shop owner remembered [REDACTED] because the sale was recent and the owner was surprised [REDACTED] accepted such a small amount for a fairly expensive ring. The pawn shop owner stated she accepts a driver's license or military identification for identification purposes.

4. [REDACTED] was contacted in Guam. She left Pensacola on 4 October 1997. She denied stealing the ring, denied going to the pawn shop or asking [REDACTED] to pawn a ring. [REDACTED] did not have access to the room where the property and money were stolen.

APR 6 1999

