



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

CRS
Docket No: 2253-99
13 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 18 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.

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 28 December 1994 at age 20. Your record reflects that on 14 April 1995 you were counseled concerning underage drinking that occurred during the previous month. Subsequently, on 19 April 1995 you received nonjudicial punishment (NJP) for underage drinking. The punishment imposed consisted of reduction in pay grade, forfeiture of pay for one week, and restriction for seven days. All but the restriction were suspended for six months. However, on 3 August 1995 the suspensions were vacated.

The Board noted your contention concerning the imposition of NJP on 14 April 1995, but found that it was insufficient to warrant the deletion of established misconduct from your record. In this regard, you committed an offense that lead to a counseling entry and NJP. Counseling prior to the NJP in your case does not invalidate it. The counseling for an offense can occur prior to or after NJP. The counseling did not preclude NJP, but only stated that absent further misconduct, you would be retained and not processed for administrative separation. 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