



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

TRG
Docket No: 4583-98
24 August 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 24 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 19 January 1978 at age 17. The record shows that during the period 14 August 1978 to 30 July 1981 you received nonjudicial punishment on eight occasions. Your offenses were twelve periods of unauthorized absence totaling more than 45 days, breaking restriction, escape from custody, dereliction of duty, several instances of disobedience and disrespect.

Based on the foregoing record you were processed for an administrative discharge. In connection with this processing you elected to waive your right to have your case heard by an administrative discharge board. On 7 November 1981 the discharge authority approved the recommendation of your commanding officer that you be discharged with a discharge under other than honorable conditions by reason of misconduct. You were so discharged on 18 November 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education, the illness of your father and your contention, in effect, that your medical problems caused your misconduct. The Board found that these factors and contentions were not

sufficient to warrant recharacterization of your discharge given the frequency of your misconduct. There is no evidence in the record, and you have submitted none, to show that you had medical problems while in the Navy. However, it appears that such a problem could not excuse or mitigate your multiple periods of unauthorized absence. 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