



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

CRS  
Docket No: 6724-98  
18 May 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 5 May 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 12 April 1977 at age 18. Your record reflects that you received three nonjudicial punishments and were convicted by a summary court-martial and a special court-martial. The offenses included unauthorized absences totalling 39 days, absence from your appointed place of duty on two occasions, larceny, breach of the peace, missing ship's movement, failure to obey a lawful order on two occasions, breaking restriction, escaping from correctional custody, and two instances of wrongful appropriation.

On 25 July 1979 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct. 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 modified and you received a general discharge on 25 July 1979.

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 your record of frequent involvement with military authorities. The Board especially noted the fact that you were the subject of five disciplinary actions within a period of less than three years. In this regard, individuals discharged by reason of misconduct are often discharged under other than honorable conditions. Therefore, the Board concluded that you were fortunate to receive a general discharge and no change to the discharge 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