



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

TJR
Docket No: 1232-01
30 November 2001

[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 27 November 2001. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 12 December 1980 after eight years of prior honorable service. Your record reflects that you continued to serve without disciplinary incident for two years and four months but on 27 April 1983 you received nonjudicial punishment (NJP) for a 31 day period of unauthorized absence (UA). The punishment imposed was a suspended reduction to paygrade E-4 and a \$200 forfeiture of pay. On 14 February 1984 you received NJP for assault and battery and were awarded a \$200 forfeiture of pay and a suspended reduction to paygrade E-4.

Your record further reflects that on 5 April 1985 you received NJP for an eight day period of UA, absence from your appointed place of duty, and two specifications of failure to obey a lawful order. The punishment imposed was a \$480 forfeiture of pay, restriction for 15 days, and reduction to paygrade E-4. Shortly thereafter, on 26 April 1985, you were convicted by special court-martial (SPCM) of a 184 day period of UA. You were sentenced to reduction to paygrade E-1, confinement at hard labor for 75 days, a \$1,200 forfeiture of pay, and a bad conduct

discharge (BCD). The BCD was approved at all levels of review and on 19 November 1985 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your combat service in Vietnam. The Board further considered your contention that your ability to serve was impaired by your deprived background, racial discrimination, and marital problems. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge or reinstatement to paygrade E-5 because of the seriousness of your repetitive misconduct, which resulted in three NJPs and a court-martial conviction. The Board also noted that you submitted no evidence in support of your contention, and the record contains no such evidence. Given all the circumstances of your case, the Board concluded your discharge and reduction in paygrade were 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