



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

TJR
Docket No: 1321-01
16 August 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 14 August 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 enlisted in the Navy on 15 October 1980 at the age of 24. Your record reflects that during the period from 9 April to 10 December 1981, you received nonjudicial punishment (NJP) on three occasions for two periods of absence from your appointed place of duty, disobedience, and possession of marijuana.

Your record further reflects that on 7 January 1982 you received NJP for three specifications of failure to obey a lawful order and were awarded confinement on bread and water. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military or civilian authorities. After consulting with legal counsel you submitted a written in which you requested discharge from the Navy, and asked that your marital and financial problems be taken into consideration when determining the characterization of your separation. Your commanding officer recommended your request be granted and that you be separated by reason of misconduct due to frequent involvement of a discreditable nature with military or civilian

authorities and drug abuse. On 21 January 1982 you were convicted by summary court-martial (SCM) of failure to go to your appointed place of duty, possession of marijuana, and resisting arrest. You were sentenced to confinement at hard labor for 30 days.

Subsequently, on 7 March 1982, the discharge authority directed a general discharge by reason of misconduct and on 15 March 1982 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in four NJPs and a court-martial conviction. Given all the circumstances of your case, the Board concluded your 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