



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

TRG
Docket No: 1630-01
19 July 2001

[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 17 July 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 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 18 September 1978 at age 18. The record shows that on 1 August 1979 you received nonjudicial punishment for an unauthorized absence of about three hours and missing ship's movement. During 1981 you received nonjudicial punishment on four occasions and were convicted by a special court-martial. Your offenses were three periods of unauthorized absence totaling about 13 days, missing ship's movement, possession of alcohol aboard ship, receiving stolen alcoholic beverages, use of provoking speech and gestures, and breach of the peace.

Based on the foregoing record of misconduct, you were processed for an administrative discharge by reason of your frequent involvement of a discreditable nature with military authorities. An administrative discharge board met on 27 October 1981 and a majority of the members recommended discharge under other than honorable conditions by reason of misconduct. One member recommended a general discharge. On 23 December 1981 the discharge authority directed discharge under other than honorable conditions and you were so discharged on 28 December 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and your contention that you thought a better discharge had been issued. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct. 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