



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

ELP
Docket No. 1759-01
20 July 2001



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 Navy Records, sitting in executive session, considered your application on 18 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.

You enlisted in the Navy on 30 January 1980 for four years at age 19. The record reflects that you were advanced to SA (E-2) and served for nearly 13 months without incident. However, during the 15-month period from February 1981 to May 1982, you received seven nonjudicial punishments (NJP) and were convicted by a summary court-martial. Your offenses consisted of three instances of disobedience and disrespect, three instances of possession of marijuana, possession of LSD, a 24-day period of unauthorized absence, breaking restriction, and assault.

On 3 September 1982 you were notified that action to discharge you under other than honorable conditions was being initiated by reason of misconduct due to frequent discreditable involvement. You were advised of your procedural rights, declined to consult with legal counsel, and waived the right to present your case to an administrative discharge board. Thereafter, the commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to frequent involvement.

The recommendation was approved by the Chief of Naval Personnel and you were so discharged on 8 October 1982.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, need for veterans medical benefits, and the fact that it has been more than 20 years since you were discharged. The Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of seven NJPs and a summary court-martial conviction. The Board noted the aggravating factor that you waived an ADB, the one opportunity you had to show why you should be retained or discharged under honorable conditions. You have provided neither probative evidence nor a persuasive argument in support of your application. The Board concluded that you were guilty of too much misconduct to warrant recharacterization to honorable or under honorable conditions. The Board thus concluded the discharge was proper 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