



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

CRS
Docket No: 5760-02
24 December 2002

[REDACTED]

[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 11 December 2002. 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 reenlisted in the Navy on 13 September 1978 after about seven years of prior active service. The record reflects that on 5 October 1981 you received nonjudicial punishment (NJP) for dereliction of duty. The punishment imposed consisted of a forfeiture of \$502.20 and a reduction in pay grade. Subsequently, your Navy Enlisted Classification Code (NEC) of 3354 was removed and you were disqualified for submarine duty. On 12 November 1981 you were honorably discharged by reason of expiration of term of service.

With respect to your contention that the NJP was unfair, the Board presumed that the commanding officer acted reasonably in concluding, based on the evidence before him, that you committed this offense. Therefore, there is no justification to remove the NJP from your record. Given the NJP, the Board also concluded that the decisions to remove your NEC and disqualify you from submarine duty were reasonable, and no corrective action 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