



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

TJR
Docket No: 5812-00
26 February 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 Naval Records, sitting in executive session, considered your application on 13 February 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 Naval Reserve on 19 March 1979 at the age of 17. Your record reflects that on 7 December 1979 you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA) and absence from your appointed place of duty. The punishment imposed was a \$100 forfeiture of pay and restriction and extra duty for seven days.

Your record further reflects that on 10 January and 21 February 1980 you received NJP for 11 specifications of failure to go to your appointed place of duty, two periods of UA totalling eight days, and two specifications of breaking restriction. On 3 April and again on 8 May 1980 you received NJP for eight specifications of failure to go to your appointed place of duty, two periods of UA totalling five days, disobedience, drinking alcohol while on restriction, two specifications of being incapacitated for duty, breaking restriction, and possession of marijuana. Shortly thereafter, on 18 June 1980, you were convicted by special court-martial (SPCM) of five periods of UA totalling 13 days, two specifications of failure to go to your

appointed place of duty, and missing the movement of your ship. You were sentenced to confinement at hard labor for three months, a \$870 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was suspended for a year.

On 6 and 27 January 1981 you received NJP for three periods of absence from your appointed place of duty, refusal to surrender an identification card, breaking restriction, and misbehavior of a lookout in that you abandoned your watch.

You were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities as evidenced by seven NJPs and a court-martial conviction. At this time you waived your right to consult with legal counsel and to present your case to an administrative discharge board or submit a statement in rebuttal to the separation. Your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. Subsequently, the discharge authority approved this recommendation and directed an other than honorable discharge. On 2 April 1981 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 and your good post service conduct. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct which resulted in seven 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