



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

TRG
Docket No: 6278-02
23 July 2003

[REDACTED]

[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 22 July 2003. 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 8 June 1984 at age 18. On 26 April 1985 you were disenrolled from the Nuclear Power Training Program due to academic failure. You reported aboard the USS ENTERPRISE (CVN 65) on 21 June 1985. During the period from 26 November 1985 to 24 May 1986, you received nonjudicial punishment on two occasions and were convicted by a summary court-martial. Your offenses were two periods of unauthorized absence totaling about five days, absence from your appointed place of duty, dereliction of duty and missing ship's movement. The punishments imposed resulted in forfeitures of pay and a reduction in rate to fireman recruit (FR; E-1). During this period, on 27 March 1986, your request for discharge as a conscientious objector was denied. Additionally, prior to the summary court-martial, you were counseled and warned that further misconduct could lead to discharge under other than honorable conditions.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct. In connection with this processing, you elected to waive the right to have your case heard by an administrative discharge board. After review, the discharge authority directed discharge under other than

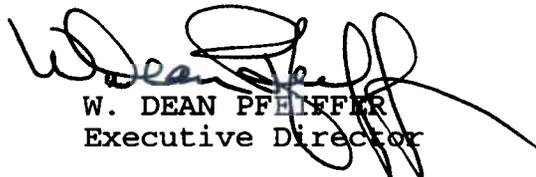
honorable conditions and you were so discharged on 17 July 1986.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, request for discharge because you were a conscientious objector, and your desire for a better discharge. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of misconduct. Your request for discharge because you were a conscientious objector was carefully investigated. The letter of 27 March 1986 that notified you that the request was denied stated that your "statements clearly demonstrate that your request for discharge (was) based on dissatisfaction with the naval service and not by reason of conscientious objector beliefs." After this letter, you committed the offenses that led to the summary court-martial conviction and discharge processing. 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