



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

SJN
Docket No: 05034-06
24 November 2006

[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 21 November 2006. 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.

You enlisted in the Navy on 27 December 1982 at age 19. During the period from 25 January to 26 October 1984 you received four nonjudicial punishments (NJP's) for wrongful use of a controlled substance, dereliction of duty five instances of failing to go to your appointed place of duty, and misbehavior of a sentinel. Additionally, you were counseled and warned on three different occasions, that further misconduct could lead to administrative separation. On 18 June 1985, you were found guilty of profane swearing by civil authorities and ordered to pay a fine. On 28 June 1985 you received a fifth NJP for a five-day period of unauthorized absence (UA) and two specifications of missing ship's movement. On 9 August 1985 you began a period of UA that lasted 63 days, ending in your apprehension on 11 October 1985. On 7 November 1985 you received your sixth NJP for wrongful possession of a controlled substance.

On 18 November 1985 you were convicted by special court-martial (SPCM) of the 63 days of UA. You were sentenced to confinement at hard labor, forfeitures of pay, and a bad conduct discharge. On 24 November 1987 you received the BCD after appellate review was completed.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, time in service, and post-service problems. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of six NJP's, two of which involved drug abuse, the civil conviction, and especially the conviction by SPCM for more than two months of UA. 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