



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

CRS
Docket No: 5722-06
22 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 25 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 21 March 1979. The record reflects that you received seven nonjudicial punishments. Your offenses included unauthorized absences totaling more than 13 days, missing ship's movement, dereliction of duty, taking part in two assaults, wrongful appropriation, failure to obey a lawful order, and absence from your appointed place of duty on four occasions.

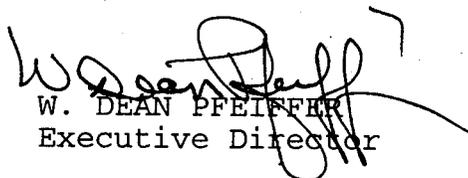
On 16 April 1982 your commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct due to a pattern of misconduct. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and on 2 May 1982 you received an other than honorable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, due

to your extensive record of frequent involvement with military authorities. Specifically, you were the subject of seven disciplinary actions in a period of less than four years. 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