



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

TJR
Docket No: 3179-07
11 February 2008

[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 5 February 2008. 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 17 July 1980 at age 17. You served for a year without disciplinary incident but during the period from 23 July to 13 October 1981 you received nonjudicial punishment (NJP) on four occasions for using provoking speech, communicating a threat, and two specifications of disrespect.

During the period from 1 April to 7 December 1982 you received NJP on three more occasions for absence from your appointed place of duty, disobedience, five specifications of disrespect, dereliction of duty, and breaking restriction.

On 13 December 1982 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 20 December 1982 your commanding officer recommended an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable

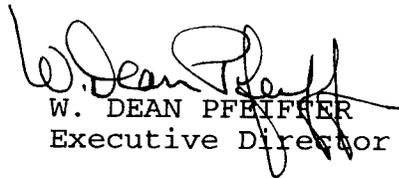
nature with military and civilian authorities. On 28 December 1982 the discharge authority approved this recommendation and directed an other than honorable discharge, and on 5 January 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge and change the narrative reason for your separation from the Navy to medical. It also considered your assertion that you were experiencing symptoms of schizophrenia at the time of your separation. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in seven NJPs. The Board noted that you were given an opportunity to defend yourself against these charges, but waived your right to present your case to an ADB. Finally, there is no evidence in the record and you submitted none, to support your assertion. 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