



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

TRG
Docket No: 5247-07
30 January 2008

[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 23 January 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 30 August 1977 at age 21. During the period from 10 May 1978 to 4 February 1980, you received nonjudicial punishment on five occasions. Your offenses were seven periods of unauthorized absence totaling about 75 days, missing your ship's movement on two occasions and missing the movement of a government aircraft on four occasions. On 18 October 1980 you were found to be drug dependent and recommended for a rehabilitation program.

On 29 January 1981, the Commanding Officer, Naval Drug Rehabilitation Center recommended discharge by reason of misconduct because you had minimal participation in the rehabilitation program. In connection with the discharge processing, you waived the right to have your case heard by an administrative discharge board. Subsequently, you requested an immediate discharge without waiting for review by the discharge authority and you were so discharged on 9 December 1980 with the character and reason for discharge to be determined. After review, the discharge authority directed the type of discharge warranted by your service record by reason of substandard personal behavior. The DD Form 214 shows that you were issued a general discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that you should have been retained to complete the rehabilitation program. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct and desire for an immediate discharge. The Board believed that you were fortunate to have been issued a general discharge since a discharge under other than honorable conditions was authorized. 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