



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

TJR
Docket No: 6346-07
17 April 2008

[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 15 April 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 22 February 1979 at age 21 and served without disciplinary incident until 14 December 1979, when you received nonjudicial punishment (NJP) for disrespect.

During the period from 1 February 1980 to 2 July 1982 you received NJP on five more occasions for two specifications of wrongful possession of marijuana, disrespect, three periods of failure to go to your appointed place of duty, and two period of absence from your appointed place of duty.

From 2 June 1983 to 25 April 1984 you received three more NJPs for wrongful use of marijuana, three periods of absence from your appointed place of duty, and failure to go to your appointed place of duty.

On 26 April 1984 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 and a pattern of misconduct. At that time you waived

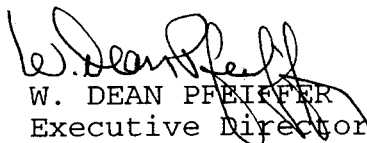
your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 4 May 1984 your commanding officer recommended an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. On 24 May 1984 the discharge authority approved this recommendation and directed an other than honorable discharge, and on 4 June 1984 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. It also considered the passage of time and the character reference letters provided in support of your case. 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 nine NJPs. Finally, the Board noted that you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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