



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

TJR  
Docket No: 6381-07  
29 April 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 22 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 Naval Reserve on 27 November 1975 at age 19 and began a period of active duty on 28 September 1976. During the period from 21 January 1976 to 2 May 1978 you received nonjudicial punishment (NJP) on four occasions for wrongful possession and use of marijuana, gambling, a three day period of unauthorized absence (UA), absence from your appointed place of duty, and failure to obey a lawful order.

On 4 October 1978 you were convicted by special court-martial (SPCM) of two periods of UA totalling 69 days, missing the movement of your ship, and disobedience. You were sentenced to confinement at hard labor for two months and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 22 August 1980 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, post service conduct, and assertion that your punishment for being UA was too harsh. Nevertheless, the Board concluded these factors were not sufficient to warrant

recharacterization of your discharge because of the seriousness of your misconduct which also included drug abuse. 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