



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

TJR
Docket No: 8721-07
27 October 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 21 October 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 2 December 1982 at age 20. You served without disciplinary incident until 23 March 1987, when you received nonjudicial punishment (NJP) for a 39 day period of unauthorized absence (UA) and missing the movement of your ship. The punishment imposed was restriction and extra duty for 30 days, reduction to paygrade E-3, and a suspended forfeiture of pay. On 8 April 1987 you received NJP for a three day period of UA, breaking restriction, failure to obey a lawful order, and missing the movement of your ship. The punishment imposed was reduction to paygrade E-2 and confinement on bread and water for three days. The suspended forfeiture of pay awarded on 23 March 1987 was also vacated at that time.

Shortly thereafter, on 17 April 1987, you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 29 April 1987 your commanding officer recommended an other than honorable discharge by reason of misconduct due to commission of a serious

offense. On 12 May 1987 the discharge authority approved this recommendation and directed discharge under other than honorable conditions, and on 21 May 1987, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as the passage of time, and your youth and desire to upgrade your discharge so that you may obtain a permit to carry a concealed weapon as a means of protection for your family. 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 two NJPs and a lengthy period of UA. Finally, no discharge is ungraded due solely to the passage of time. 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