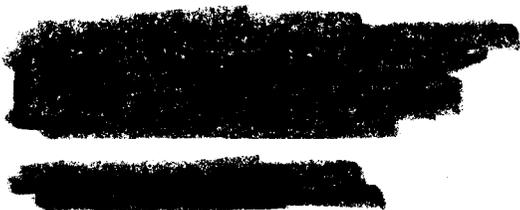




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SJN
Docket No: 09260-07
6 November 2008



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 4 November 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 and began a period of active duty on 24 July 1979 at age 22. On 15 January and 1 May 1981, you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) and disobedience. On 5 May 1981, you were counseled and warned that further misconduct could result in administrative discharge action.

On 31 July 1981, administrative discharge action was initiated by reason of convenience of the government due your marginal performance. Your commanding officer (CO) stated, in part, that you were an administrative burden, lacked initiative, and your attitude in your professional and military responsibilities were deficient. After being informed of your procedural rights, you elected to submit statement in response to the administrative discharge notification. Your CO forwarded your case, adding that, you required constant supervision, had been counseled repeatedly by your chain of command, and failed to respond positively. You received a general discharge on 14 August 1981.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your record of two NJP's and your failure to respond to the counseling of your chain of command. 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