



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

BAN
Docket No: 01156-08
19 September 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 17 September 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 August 1976, and served without disciplinary incident until 22 June 1977, when you were found guilty in a civilian court for burglary and possession of an illegal substance, and on 23 June 1977, you received nonjudicial punishment (NJP) for possession of marijuana and for having a firecracker in government quarters.

Shortly thereafter, you were found guilty at the following NJPs: on 21 October 1977, for the possession of marijuana and for having a firecracker in government quarters, and on 10 November 1977, unauthorized absence. In addition, on 16 December 1977, you were convicted at a special court martial for larceny.

On 3 March 1978, you received another NJP for an unauthorized absence, and on 23 March 1978, you were an unauthorized absentee

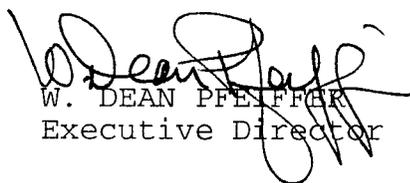
and were later declared a deserter. You were apprehended approximately one year later and in July 1979, you requested a separation in lieu of a special court-martial for the good of the service. You were recommended for separation with an other than honorable (OTH) discharge. On 19 July 1979, the separation authority approved the recommendations and directed an OTH discharge, with an RE-4 reenlistment code, and on 24 January 1985, 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 the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. 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