



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

JRE
Docket No. 06782-08
1 April 2009

[REDACTED]

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This is in reference to your application for further consideration of your request for correction of your naval record to show that you received an honorable discharge, and that the basis for your discharge be changed from misconduct to physical disability. As you did not submit any new material evidence or other matter concerning the characterization of your service, the Board did not consider that aspect of your request.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 March 2009. 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.

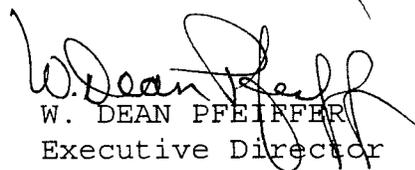
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you underwent a pre-separation physical examination on 1 March 1982, and were found qualified for release from active duty. No significant defects were noted by the examining physician, and you did not report any. On 4 March 1982 you were discharged under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities.

The Board was not persuaded that you were unfit for service by reason of physical disability on 1 March 1982. It noted that you would not have been entitled to disability separation or retirement even if you had been unfit for duty because a discharge by reason of misconduct generally takes precedence of disability processing. 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