



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

SJN
Docket No: 06977-08
22 May 2009

[REDACTED]

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 19 May 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 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 27 February 1975 at age 18. During the period from 18 December 1986 to 14 September 1987, you received five nonjudicial punishments (NJP's) for four periods of unauthorized absence (UA) totaling 13 days, provoking speeches and gestures, drunk and disorderly conduct, wrongful use of marijuana, disrespect, and two instances of insubordinate conduct. Additionally, you were counseled and warned that further misconduct could result in administrative discharge action.

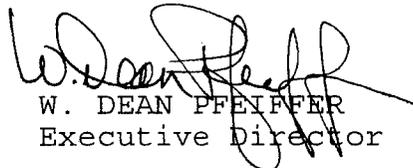
On 6 October 1987, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative board (ADB). You elected only to obtain copies of documents supporting the basis for separation.

On 9 October 1987, your commanding officer recommended discharge by reason of misconduct, with an under other than honorable conditions characterization of service. On 16 November 1987 the discharge authority directed an other than honorable discharge by reason of misconduct.

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 recharacterization of your discharge given your five NJP's. Additionally, the Board noted that you received one of these NJP's after you were counseled and warned of the consequences of further misconduct. Further, you waived the right to an ADB, your best chance for retention or a better characterization of service. 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 PFENFFER
Executive Director