



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

BAN  
Docket No: 08642-08  
22 June 2009

[REDACTED]

Dear [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 4 June 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 on 25 March 1982, and served without disciplinary incident until 13 November 1982, when you received nonjudicial punishment (NJP) for unauthorized absence (UA).

Shortly thereafter, you received the following disciplinary actions: on 2 February 1983, you received NJP for UA; on 27 March 1983, you were convicted at a summary court-martial (SCM) for UA, disobeying a commissioned officer, and a petty officer, and breaking restriction; and on 30 June 1983, you received NJP for UA and a general orders violation.

Therefore, on 29 July 1983, you were recommended for separation with an other than honorable (OTH) discharge due to your pattern of misconduct. On 30 July 1983, the separation authority approved the request, and on 12 August 1983, you were separated

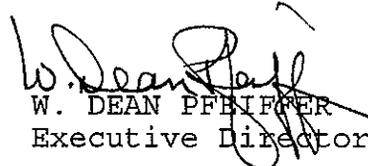
from naval service with an OTH discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and letter dated 3 July 2008, from a civilian physician documenting your treatment for chronic schizoaffective disorder. Nevertheless, the Board concluded these factors were not sufficient to warrant changing the characterization of your discharge due to your misconduct. Further, there is no provision in the law or regulations that allows for recharacterization of service 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