



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

TJR
Docket No: 8788-08
14 July 2009

[REDACTED]

This is in reference to your application for correction of your late husband's 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 7 July 2009. The names and votes of the members of the panel will be furnished upon request. 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 husband's 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.

Your husband enlisted in the Naval Reserve on 30 January 1978 at age 19 and began a period of active duty on 27 February 1978. He served for nine months without disciplinary incident, but on 9 October 1978, he received nonjudicial punishment (NJP) for failure to obey a lawful order and disorderly conduct. A year later, on 19 October 1979, he received NJP for larceny of government property, specifically, 26 padlocks.

On 27 February and again on 23 May 1980 your husband received two more NJPs for disobedience, absence from his appointed place of duty, destruction of government property, and disorderly conduct.

Subsequently, your husband was administratively processed for separation due to his substandard personal behavior which reflected discredit upon the service or adversely affected his performance of duties. Although he was recommended for an other

than honorable discharge, the discharge authority directed separation under honorable conditions. On 4 August 1980, while serving in paygrade E-1, your husband was issued a general discharge.

The Board, in its review of your late husband's entire record and your application, carefully weighed all potentially mitigating factors, such as his youth, the passage of time, and your desire to upgrade his discharge. Nevertheless, the Board found the evidence and materials submitted were not sufficient to warrant recharacterization of his discharge because of the seriousness of his repetitive misconduct which resulted in four NJPs. Accordingly, your application has been denied.

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