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

BAN
Docket No: 09317-08
10 August 2009

[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 5 August 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 27 August 1979, and served without disciplinary incident until 17 October 1979, when you received nonjudicial punishment (NJP) for disrespect toward a senior petty officer, failure to obey a lawful order, and a general orders violation.

Shortly thereafter, you received the following NJP's: on 7 May 1980, for an unauthorized absence (UA); on 27 June 1980, for two specifications of UA; on 30 September 1980, for two specifications of UA; on 18 October 1980, for UA, and missing ship's movement; and on 26 October 1980, for failure to obey a lawful order. Additionally, on 7 March 1981, you were convicted at a special court-martial for UA, disrespect toward a superior commissioned officer, and disrespect toward a senior petty officer. Therefore, you were recommended for separation with an

other than honorable (OTH) discharge. The separation authority approved the recommendation and on 21 August 1981, you were separated 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. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your discharge due to your serious 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