



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

RDZ:ecb
Docket No. 09323-08
11 February 2009

[REDACTED]

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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 10 February 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.

You enlisted in the Navy on 11 February 1981 at age 30. Your records show that you had prior honorable service in the Marine Corps from January 1968 to April 1970 and in the Marine Corps Reserve from April 1970 to January 1974 and again from February 1975 to February 1981.

When you enlisted in the Navy you were obligated to serve on active duty for four years. Unfortunately you only served a

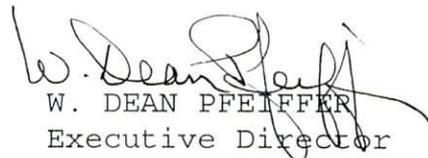
little over two years and six months and were administratively separated with an other than honorable discharge (OTH) due to frequent acts of misconduct. More specifically, between February 1981 and August 1983 you received four nonjudicial punishments (NJPs) for unauthorized absence, dereliction of duty, being disrespectful to a superior, drunk and disorderly conduct, communication of a threat and disobedience of orders. After your fourth NJP when you were informed that you were being recommended for an OTH you waived your right to a hearing where you would have been represented by a lawyer and could have argued for retention or a better discharge.

Based upon your repeated acts of misconduct which occurred over a relatively short period of time and your apparent willingness to accept an OTH the Board concluded that your discharge was proper as issued and should not be changed now as a matter of clemency.

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

Enclosure