



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

RDZ:ecb  
Docket No. 10020-08  
27 August 2009

[REDACTED]

[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 25 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. It also considered the decision of the Navy Discharge Review Board dated 18 January 1988, a copy of which is attached.

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 29 September 1976 for four years. Unfortunately you only served a little over one year when you were discharged because of frequent acts of misconduct. Specifically between July and October of 1977 you received three nonjudicial punishments for three periods of unauthorized absence totaling over 42 days. As a result you were notified that you were being considered for administrative separation due to frequent acts of misconduct. After conferring with a

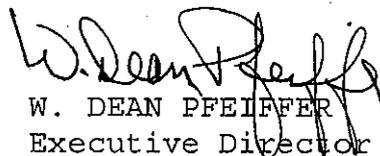
military lawyer you offered to waive your right to a hearing provided you received no less than a general discharge. Naval authorities accepted your offer and you received a general discharge on 18 October 1977.

In its review of your application the Board considered the contentions of your counsel regarding the circumstances surrounding your disciplinary actions as well as your post service conduct. Nevertheless the Board concluded that such matters could not overcome your repeated disciplinary infractions which you were mentally and legally responsible for and which occurred over a relatively short period of time. Indeed the Board believed considerable clemency was shown to you when authorities accepted your offer to waive a hearing if you received a general discharge since it is the Board's experience that service members with disciplinary records such as your routinely receive other than honorable discharges which results in a loss of benefits administered by the Department of Veterans Affairs. With a general discharge you suffer no such loss. Clearly your discharge was proper as issued and the Board finds that no additional clemency is warranted over and above that shown to you at the time you were discharged.

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