



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

BJG  
Docket No: 11246-08  
3 September 2009



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 2 September 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 and medical records, and applicable statutes, regulations and policies.

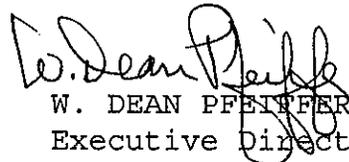
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 29 October 1980. You received nonjudicial punishment (NJP) on three occasions for three instances of failure to go to your appointed place of duty, two instances of willfully disobeying a lawful order, treating a superior petty officer with contempt, dereliction in the performance of your duties, and an unauthorized absence (UA) totaling about 40 days. On 14 January 1982, you were counseled regarding your misconduct and warned that further acts of misconduct could result in administrative separation. You received two adverse

performance evaluations and were in a UA status for about 11 days for which no disciplinary action was taken. On 5 October 1982, you were notified of pending administrative separation processing for an other than honorable (OTH) discharge due to misconduct. You waived all of your procedural rights, including the right to an administrative discharge board (ADB). On 29 October 1982, you received the OTH discharge due to misconduct, and were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth and desire for a better discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your OTH discharge because of your numerous acts of misconduct and poor performance. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. In view of the above, 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