



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

BAN
Docket No: 00498-08
27 August 2008



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 27 August 2008. 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 in January 1977. You served without disciplinary incident until June 1977, when you received a nonjudicial punishment (NJP) for unauthorized absence (UA).

Shortly thereafter, you were charged and found guilty at the following NJP's: In September 1977, UA, December 1977, UA, September 1978, UA, October 1978, breaking restriction and disobeying a lawful order, and in November 1978, breaking restriction and disobeying a lawful order. In May 1979, you received a special court-martial for assault, were found guilty and awarded a bad conduct discharge (BCD). In April 1979, while awaiting final disposition to your special court-martial conviction, you received another NJP for desertion and drug possession.

On 7 January 1981, pursuant to the provisions of the Bureau of

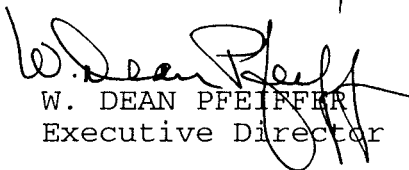
Naval Personnel (BuPERS) Manual Article 3850190, you were separated from the naval service with a BCD and with an RE-4 reenlistment code.

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 recharacterization of your discharge because of the seriousness of your 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