



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

SMS  
Docket No: 2687-08  
20 November 2008



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 19 November 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 18 September 1979, you enlisted in the Navy at age 18. On 24 March 1980 and 16 January 1981, you had nonjudicial punishment (NJP) for failure to go to your appointed place of duty and three instances of unauthorized absence (UA) totaling about 16 days. On 16 January 1981, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in an other than honorable (OTH) discharge. On 10 February 1981, you had NJP for 12 instances of absence from your appointed place of duty and you were warned that further infractions could result in an OTH discharge. On 2 March 1981, you had NJP for 18 instances of absence from your appointed place of duty and were warned again that further infractions could result in an OTH discharge. On 20 May 1981, you had NJP for a seven day period of UA and were warned again that further infractions could result in an OTH discharge. On 27 May 1981, you had NJP for seven instances of absence from your appointed place of duty and sleeping on watch.

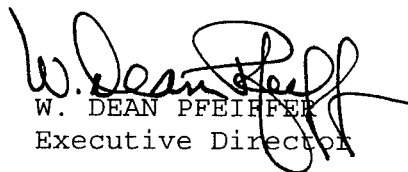
On 27 May 1981, your commanding officer initiated administrative separation by reason of misconduct due to frequent discreditable involvement. In connection with this processing, you acknowledged that separation could result in an OTH discharge, waived the right to

have your case heard by an administrative discharge board (ADB), and submitted a statement requesting an honorable discharge. On 6 June 1981, the separation authority approved the discharge recommendation and directed an OTH discharge by reason of misconduct due to frequent discreditable involvement. On 12 June 1981, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, passage of time, and desire for a better discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were warned that further infractions could result in an OTH discharge. You are advised that there is no provision in the law or regulations that allows for recharacterization of service due solely to the passage of time. The Board also noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. 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