



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

REC  
Docket No: 00325-09  
9 November 2009

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

You enlisted in the Navy on 11 January 1979, at the age of 21. On 10 June 1980, you received nonjudicial punishment (NJP) for being in an unauthorized absence status (UA) for 20 days, failure to obey a lawful order, disrespectful language, wrongfully using provoking language, and wrongfully using threatening insults. On 9 December 1981 you received NJP for another period of UA. On 10 April 1981, you were convicted at a special court-martial (SPCM) for another six day period of UA, missing your ship's movement and striking a fellow service member in the back of the head with a ball peen hammer. You were sentenced to a forfeiture of \$780, reduction in pay grade to E-1, confinement to hard labor for three months and a bad conduct discharge (BCD). On 25 September 1981, you were convicted at a summary court-martial (SCM) for wrongful possession of cocaine, twelve tablets of LSD, and marijuana, striking a fellow service member, assault, willfully disobeying a lawful order and resisting apprehension. You were sentenced to a forfeiture of \$279 and 30 days confinement.

On 27 November 1981, you received NJP for another period of UA. On 10 March 1982, the discharge authority directed the execution of your BCD. On 11 June 1982, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of three NJP's and convictions by SPCM and SCM. 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