



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

CRS
Docket No: 421-09
6 November 2009

[REDACTED]

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

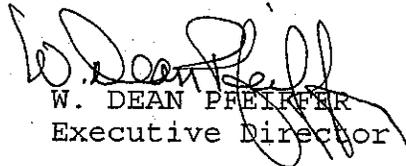
The Board found that you enlisted in the Navy on 25 June 1982. You received two nonjudicial punishments for offenses that included assault, use of provoking words, and breach of the peace.

On 22 July 1983 an administrative discharge board recommended that you be separated from the Navy with a discharge under other than honorable conditions by reason of misconduct due to the commission of a serious. On 24 August 1983 you received nonjudicial punishment for unauthorized absence and missing movement. The recommendation for discharge was approved by the separation authority on 23 October 1983, and a DD Form 214 was prepared with an effective date of discharge of 25 October 1983. The discharge was not executed on that date, however, because you were absent without authority. Your command was subsequently granted authority to discharge you in absentia, but did not do so because you returned to military control before the discharge could be executed. You were discharged by reason of misconduct on 16 December 1983, with a discharge under other than honorable conditions.

In its review of your application, the Board carefully considered your contention to the effect that you were a victim of racial discrimination and unfair treatment, which contributed to your acts of indiscipline, but found it to be unsubstantiated and insufficient to warrant the approval of your request for upgrade of your discharge. 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