



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

REC  
Docket No: 02127-09  
17 December 2009

[REDACTED]

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 15 December 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. In this regard, the Board substantially concurred with the comments contained in the advisory opinion.

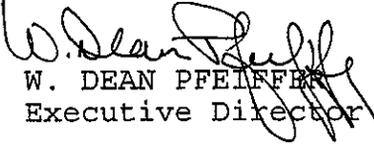
You enlisted in the Navy on 4 January 1978, at age 19. On 6 March 1980, you received nonjudicial punishment (NJP). On 21 March 1980, you received NJP for being disrespectful to a superior commissioned officer, disobeying a lawful order, using provoking words and possession of marijuana. On 1 April 1981, you received NJP for being in an unauthorized absence (UA) status. On 13 August 1981, you received NJP for being disrespectful to your commanding officer and two occasions of disrespect toward a superior commissioned officer. On 28 August 1981, you received NJP for two instances occasions of being UA and two occasions of disobeying a lawful order. Finally, on 17 September 1981, you received NJP for being drunk and disorderly. You were counseled and informed that you would receive a reenlistment code of RE-4 for your pattern of misconduct upon your separation. You received a general discharge on 3 January 1982, with a reenlistment code of RE-4.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of six NJP's for misconduct. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed 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