



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

SJN  
Docket No: 02439-09  
19 January 2010

[REDACTED]

[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 12 January 2010. 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.

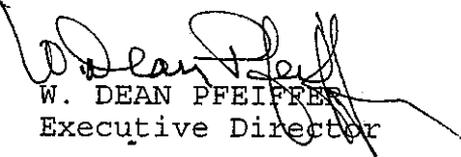
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 3 November 1980 at age 18. On 27 August 1981 and 17 August 1982, you received nonjudicial punishment (NJP) for possession of marijuana, leaving your place of duty, and unauthorized absence (UA) for a period of 19 days. You were counseled and warned that further misconduct could result in administrative discharge action. On 9 February 1983, you were convicted by special court-martial (SPCM) of 33 days of UA. On 5 May and 28 September 1983, you received NJP for a period of UA, disrespect, breach of the peace, use of provoking speech, and drunk and disorderly conduct. On 14 January 1984, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Additionally, you submitted a request for an other than honorable (OTH) discharge at the earliest convenience. Your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct. On 28 January 1984, the discharge authority directed an OTH discharge by reason of misconduct. You were discharge on 3 February 1984.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of four NJP's, conviction by SPCM for a lengthy period of UA, the fact that you were counseled and warned, on more than one occasion, of the consequences of further misconduct, and your request for an OTH discharge. Finally, the Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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