



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

TAL  
Docket No: 4201-09  
8 March 2010

[REDACTED]

This is in reference to your application for correction of your late husband's 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 24 February 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 late husband's 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.

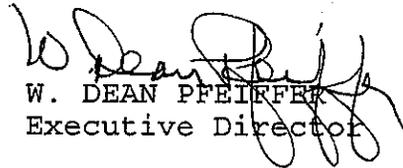
Your late husband enlisted in the Navy and began a period of active duty on 22 September 1983 at age 19. On 20 January 1987, he was convicted by special court-martial (SPCM) of an 84 day period of unauthorized absence (UA) from his unit. On 16 April 1987, administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. He waived his rights to consult counsel, submit a statement or have his case heard by an administrative discharge board (ADB). On 28 April 1987, he received nonjudicial punishment (NJP) for a 33 day period of UA from his unit. On 6 May 1987, his commanding officer forwarded the recommendation that your late husband be discharged under other than honorable (OTH) conditions by reason of misconduct. On 22 May 1987, the separation authority directed an OTH discharge by reason of misconduct due to commission of a serious offense. On 2 June 1987 he was so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your late husband's youth and overall record of service. Nevertheless, the Board

found that these factors were not sufficient to warrant recharacterization of his discharge given the seriousness of his misconduct. Finally, the Board noted that your late husband waived the right to an ADB, his best chance 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