



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

TAL
Docket No: 4237-09
12 March 2010

[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 3 March 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.

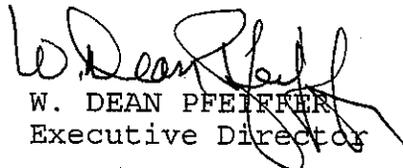
You enlisted in the Navy and began a period of active duty on 2 October 1981 at the age 22. On 21 January 1985, you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA) from your unit, three instances of dereliction of duty and using the government long distance telephone service for personal calls. On 15 March 1985, you received NJP for UA from your unit, two instances of UA from your appointed place of duty, and three instances of disobeying a lawful order. On 25 June 1985, administrative discharge action was initiated by reason of misconduct due to frequent involvement of a discreditable nature with civil or military authority. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 1 July 1985 your commanding officer forwarded the recommendation that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 3 July 1985, you received NJP for a three day period of UA from your unit. On 12 July 1985, the separation authority directed an OTH discharge for frequent involvement of a discreditable nature with civil or military authority. On 22 July

1985, you received NJP for a seven day period of UA from your unit. On 22 July 1985 you were discharged for a pattern of misconduct, frequent involvement of a discreditable nature with civil or military authority.

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 concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in four NJPs, two of which were after you were notified administrative discharge action had been initiated against you. The board noted you waived your 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