



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

JRE  
Docket No. 12466-09  
19 July 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 15 July 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.

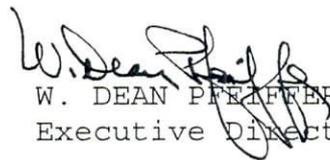
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 8 June 1978. You received nonjudicial punishment on one occasion, and were convicted by two special courts-martial of offenses that included assaults and battery, communication of threats, assault with a dangerous weapon, disobedience, disrespect, and drunk and disorderly conduct. You underwent a pre-separation physical examination on 13 August 1980 and were found qualified for separation notwithstanding your history of a detached retina. You were separated from the Navy on 6 October 1981 with a bad conduct discharge pursuant to the approved sentence of a special court-martial. On 23 March 2009, the Department of Veterans Affairs determined that your service was under dishonorable conditions.

The Board was not persuaded that you were unfit for duty by reason of physical disability on 6 October 1981. Accordingly, and as you have not demonstrated that your bad conduct discharge is erroneous or unjust, 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