



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

REC  
Docket No: 00453-10  
22 September 2010

[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 22 September 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 on 26 January 1976, at the age of 20. On 13 April 1977, you received nonjudicial punishment (NJP) for using disrespectful language toward a chief petty officer. On 15 July 1977, you received NJP for being absent from your appointed place of duty, being disrespectful toward and disobeying a superior commissioned officer, two incidents of contempt and disrespect toward a superior petty officer, and disobeying a lawful order. On 28 July 1977, you were notified that you were being administratively separated with a general discharge for fraudulent enlistment based on your background investigation which was conducted for your Radioman rating, which disclosed that you failed to provide prior service civil convictions, and that you would receive a reenlistment code of RE-4. You were so discharged on 31 August 1977.

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, or reenlistment code given your record of two NJP's and fraudulent

enlistment. 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 and failed to disclose such vital information as pre-service civil convictions. 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