



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

TJR  
Docket No: 1418-10  
26 October 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 20 October 2010. The names and votes of the members of the panel will be furnished upon request. 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 19 November 1976 at age 18 and began a period of active duty on 1 December 1976. You served for nearly two years without disciplinary incident, but on 3 October 1978, you were convicted by summary court-martial (SCM) of a four day period of unauthorized absence (UA).

On 27 July 1981 you were convicted by special court-martial (SPCM) of the specifications of theft (government property valued at \$649.32, \$20 currency from another Sailor, and a \$93 money order from another Sailor), two specifications of intent to commit larceny, and larceny of a silver cigarette lighter, the property of another Sailor. You were sentenced to confinement at hard labor for three months, a \$750 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD).

On 25 June 1982 you began a period of UA that was not terminated until you were apprehended by civil authorities. As a result of this arrest, on 6 August 1982, you were convicted by civil authorities of possession of marijuana and sentenced to probation

for six months. It appears that shortly thereafter, on 27 August 1982, you were again convicted by SPCM of unspecified charges. Furthermore, the record does not reflect the sentence imposed at this SPCM. Nonetheless, the BCD was subsequently approved at all levels of review and on 18 January 1983 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that the discharge was too harsh for the offenses committed. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct in both the military and civilian communities and included drug abuse. Finally, the Board noted that you were sentenced to a BCD at an earlier court-martial, but your misconduct continued, thus removing any opportunities you may have had to earn a better characterization of service. Accordingly, your application has been denied.

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