



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

TJR  
Docket No: 1575-10  
12 November 2010

[REDACTED]

[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 9 November 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 22 January 1981 at age 28 and began a period of active duty on 25 March 1981. You served without disciplinary incident until 2 July 1981, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. Three months later, on 2 October 1981, you received another NJP for absence from your appointed place of duty.

On 2 June 1982 you received your third NJP for an eight day period of unauthorized absence and theft of a \$31 money order from a fellow shipmate. Shortly thereafter, on 24 June 1982, you were convicted by special court-martial (SPCM) of wrongful use of marijuana and assault. You were sentenced to confinement at hard labor for two months, reduction to paygrade E-1, and a \$1,100 forfeiture of pay.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct, frequent involvement of a discreditable nature with

military authorities, and drug abuse. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). Your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct, frequent involvement of a discreditable nature with military authorities, and drug abuse. The discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct and on 1 September 1982 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, desire to upgrade your discharge, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in three NJPs and a SPCM. Further, you were given an opportunity to defend your actions, but waived your procedural right to present your case to an ADB. Finally, no discharge is automatically upgraded due solely to the passage of time. 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