



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

REC  
Docket No: 03541-10  
17 February 2011

[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 16 February 2011. 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.

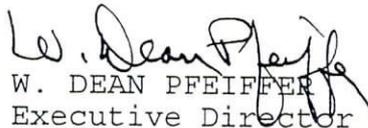
You enlisted in the Navy on 16 February 1979, at the age of 18. On 27 June 1979, your commanding officer submitted a waiver for you to remain on active duty, based on your failure to disclose vital prior service civil arrests. On 30 July 1980, you received nonjudicial punishment (NJP) for causing a breach of the peace and disorderly conduct. On 22 December 1980, you received NJP for being disrespectful in language. On 24 June 1981, you were convicted at a special court-martial (SPCM) of being absent from and failing to go to your appointed place of duty, and wrongfully communicating a threat to a chief petty officer. You were sentenced to forfeitures of \$220, reduction in pay grade, and confinement at hard labor for 20 days. On 28 October 1981, you were convicted at your second SPCM of disrespect toward a superior commissioned officer, being disrespectful in language toward a superior chief petty officer, failure to obey a lawful order, disobeying a lawful order, resisting lawful apprehension, wrongful use of provoking words, wrongfully communicating a threat, and assault. You were sentenced to forfeitures of \$2,196, reduction in pay grade to E-1, confinement at hard labor for six months, and a bad conduct discharge (BCD). You continued your misconduct and received your third NJP for being disrespectful in language toward a superior petty officer and

assault. The discharge authority directed the execution of your BCD. On 30 November 1983, after appellate review, you were so discharged.

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 found that these factors were not sufficient to warrant recharacterization of your discharge given your record of three NJP's and convictions by two SPCM's of serious misconduct. 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