



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

TJR
Docket No: 3693-10
12 April 2010



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 6 April 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 20 July 1976 at age 17 and began a period of active duty on 2 September 1976. You served for eight months without disciplinary incident, but during the period from 26 May 1977 to 4 January 1979, when you received nonjudicial punishment (NJP) on 10 occasions and were convicted by civil authorities. Your offenses were missing the movement of your ship, failure to go to your appointed place of duty, unauthorized absences, insubordination, wrongful possession of marijuana, disrespect, disobedience, and criminal trespass.

Subsequently, you were administratively processed for separation by reason of misconduct due to drug abuse and frequent involvement of a discreditable nature with military authorities. An administrative discharge board and your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a

discreditable nature with military authorities. The discharge authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 16 February 1979, 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 investigation regarding your disqualification from submarine duties and discharge was incomplete. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your frequent misconduct which resulted in 10 NJPs, conviction by civil authorities, and included drug abuse. Finally, there is documented evidence in the record that is contrary to your assertion. 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