



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

TAL
Docket No: 4606-10
24 January 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 20 January 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 and began a period of active duty on 22 February 1983, at age 19. On 18 July 1983, you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. On 22 February 1984, you received NJP for unauthorized absence (UA) from your unit, and wrongful appropriation. On 30 March 1986 you were convicted in civil court by Onslow County District Court in Jacksonville, North Carolina, of writing a worthless check in the amount of \$10.75. You were sentenced to pay all court costs and the amount of the check. On 23 April 1986, you received NJP for wrongful use of marijuana and insubordinate conduct toward a superior petty officer. You were counseled on several occasions regarding your misconduct and warned that further offenses could result in administrative separation. You were notified of pending administrative discharge processing with an other than honorable discharge due to misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 22 July 1986, the ADB found that you committed misconduct and recommended that you be separated with a general discharge. On 5 August 1986, you were held by civil

authorities on a charge of arson in Onslow County jail in Jacksonville, North Carolina, pending any civil action. On 10 October 1986, you were returned to military control. On 12 December 1986 the separation authority agreed with the recommendation of the ADB and directed your commanding officer to issue you a general discharge by reason of misconduct, civil conviction, and on 15 December 1986, 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 the seriousness of your misconduct that resulted in three NJPs and two civil convictions. The Board also believed that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when a Sailor is separated for 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