



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

TJR
Docket No: 4699-10
17 February 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 15 February 2011. 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 16 June 1977 at age 18 and served for about seven months without disciplinary incident. However, during the period from 19 January 1978 to 15 June 1981 you received nonjudicial punishment (NJP) on four occasions for a 12 day period of unauthorized absence (UA), wrongfully carrying alcohol in a government vehicle, dereliction of duty, wrongful appropriation of a vehicle, drunk and disorderly conduct, two periods of absence from your appointed place of duty, and disrespect.

You received three more NJPs during the period from 27 February to 19 March 1982 for three periods of absence from your appointed place of duty and two specifications of failure to obey a lawful order. Shortly thereafter, on 12 April 1982, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After waiving your procedural rights to legal counsel and an administrative discharge board (ADB), your commanding officer recommended discharge under other than

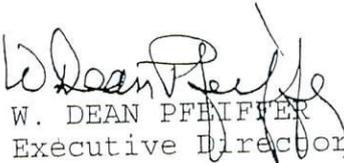
honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. On 26 April 1982 you began another period of UA that was not terminated until 11 July 1982. The record does not reflect the disciplinary action taken, if any, for this 76 day period of UA.

Subsequently, the discharge authority approved the foregoing recommendation and directed separation under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities, and on 13 July 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, post service conduct, desire to upgrade your discharge for medical purposes, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in seven NJPs. 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 an individual's good post service conduct or 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