



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

TJR
Docket No: 4720-10
2 March 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 1 March 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 25 February 1987 at age 19 and began a period of active duty on 1 April 1987. You served without disciplinary incident until 21 October 1987, when you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totalling 46 days and two periods of absence from your appointed place of duty. About four months later, on 10 February 1988, you were convicted by summary court-martial (SCM) of introducing alcoholic beverages onboard your ship, two specifications of dereliction of duty, assault, and drunk and disorderly conduct. Shortly thereafter, on 20 July 1988, you received NJP for two periods of UA totalling 11 days, missing the movement of your ship, and wrongful use of marijuana.

On 22 July 1988 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 27 July 1988 your commanding officer

recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. On 31 July 1988 the discharge authority approved this recommendation and directed separation under other than honorable conditions by reason of misconduct, and on 5 August 1988 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, and change your narrative reason for separation and reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct which resulted in two NJPs and a SCM, and included drug abuse. Further, you were given an opportunity to defend your actions, but waived your procedural right to present your case to an ADB. 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