



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

SJN  
Docket No: 05074-10  
4 April 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 29 March 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.

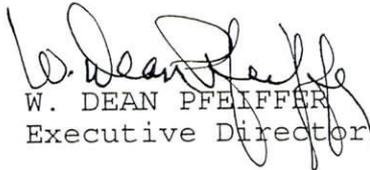
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 21 August 1975. The Board found that on 10 August 1976, while in an unauthorized absence status since 28 July 1976, you were apprehended by civilian authorities on the charge of robbery. You were detained pending arraignment, and in lieu of bail. On 23 September 1976, you posted bail and were released. On 23 October 1976, you were involved in two armed robberies, and on 13 January 1977, you were found guilty of the charge of robbery. On 10 February 1977, you were sentenced to one year in the penitentiary. Subsequently, your commanding officer recommended that you receive an undesirable discharge by reason of unfitness. At that time you were in the hands of civil authorities. You were notified of pending administrative separation action and on 17 October 1977, an administrative discharge board (ADB) recommended that you be discharged from the service with an undesirable discharge due to unfitness. Your case was forwarded, and on 11 January 1978 the separation authority approved the recommendation for an undesirable discharge. You were so discharged on 3 February 1978.

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 concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct that resulted in a conviction by civil authorities of a very serious offense. 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