



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

REC

Docket No: 10654-10

8 August 2011

[REDACTED]

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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 3 August 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.

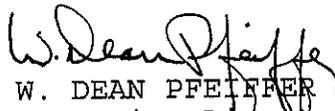
You reenlisted in the Navy on 22 December 1984, after more than 15 years of honorable service. However, during your third enlistment, on 2 April 1986, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for two days, and missing your ship's movement. On 12 June 1987, you received NJP for wrongful use of cocaine. You were advised that your commanding officer was recommending you for administrative separation due to misconduct. You requested to have your case heard by an administrative discharge board (ADB). On 11 August 1987, an ADB was conducted and recommended that you receive a general discharge due to alcohol abuse rehabilitation failure. On 17 August 1987, you commenced a period of UA which lasted 60 days. On 23 September 1987, your commanding officer agreed with the ADB and forwarded his recommendation that you receive a general discharge. However, the separation authority recommended that the request for discharge be resubmitted once you returned from a period of UA. On 17 November 1987, you were convicted by a special court-martial (SPCM) of being UA for 60 days. You were sentenced to a reduction in pay grade and confinement at hard labor for 60 days. Your misconduct continued and on 29 January

1988, you received NJP for another period of UA which lasted 22 days. On 25 August 1988, you were detained in the hands of civilian authorities in the county of San Diego, California, for acts of sexual molestation committed against your daughter, fraud, forgery, and petty theft. You were sentenced to 11 years and six months in prison, and a fine of \$2,100. On 12 June 1989, you were again informed that you were being administratively discharged by reason of misconduct (conviction by a civil court). On 22 June 1989, your commanding officer recommended that you be discharged under other than honorable (OTH) conditions by reason of your misconduct (civil conviction). On 7 July 1989, the discharge authority directed the OTH discharge. On 14 July 1989, you received the OTH due to misconduct (convicted by a civil court). At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as record of prior honorable service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct that resulted in two NJP's, conviction by a SPCM, and a civilian criminal conviction and confinement. 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