



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

TAL
Docket No: 10771-10
29 June 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 22 June 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.

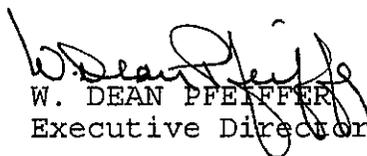
You reenlisted in the Navy on 4 December 1984 after more than three years of prior honorable service. On 27 June 1986, you were in an unauthorized absence (UA) status from your unit for a period of 31 days until you surrendered on 28 July 1986. On 30 July 1986, you were again UA from your unit for an additional period of 106 days until you surrendered on 13 November 1986. On 19 December 1986, you were convicted by special court-martial (SPCM) of the forgoing periods of UA. The sentence imposed was confinement for 60 days, a forfeiture of pay and a reduction in paygrade. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 19 February 1987, an ADB recommended that you be retained in the naval service. After the ADB, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. The separation authority approved the recommendation and directed that you be retained. On 5 June 1987, you received nonjudicial punishment (NJP) for UA from your unit for a period of two days.

On 16 July 1987, you received NJP again for UA from your unit for a period of 30 days. On 21 July 1987, you were notified of pending administrative discharge processing with an OTH discharge due to misconduct (commission of serious offense and a pattern of misconduct). You waived all of your procedural rights including your right to an ADB. On 26 August 1987, you received the OTH discharge for misconduct (pattern of misconduct).

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable 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 two NJPs, one SPCM, and periods of UA totaling over five months. Additionally, the Board noted you were retained after the first ADB and warned of the consequences of further misconduct. Finally, no discharge is automatically upgraded due to the passage of time or an individual's good behavior after discharge. 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