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

BAN
Docket No: 11257-10
15 August 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 10 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 entered active duty in the Navy on 29 December 1977, and served without incident until 29 November 1978, when you received nonjudicial punishment (NJP) for disobeying a lawful order. Shortly thereafter, you received the following disciplinary actions: on 24 May 1979, you received NJP for three specifications of unauthorized absence (UA); on 28 June 1979, you received NJP for UA; on 6 September 1979, you were convicted at a summary court-martial (SCM) of four specifications of UA, missing ship's movement, and sleeping on post; on 27 February 1980, you received NJP for three specifications of UA; on 3 January 1980, you received NJP for two specification of disrespect; and on 10 March 1980, you were convicted at another SCM of UA, two specifications of failure to obey a lawful order and disrespect. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to misconduct. You waived your

rights to consult with counsel and request an administrative discharge board (ADB). The separation authority approved the recommendation and on 27 May 1980, you were separated with an OTH discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, and claim that you were told your characterization of discharge would be upgraded. Nevertheless, the Board concluded these factors were not sufficient to warrant a change to your characterization of discharge due to your frequent acts of misconduct. 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

W. DEAN PFEIFFER
Executive Director