



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

REC
Docket No: 00035-11
21 September 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 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 21 September 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.

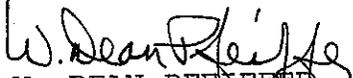
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 15 February 1974. On 10 September 1974, you received nonjudicial punishment (NJP) for being drunk and disorderly. On 16 April 1975, you received NJP for failure to obey a lawful order. On 13 August 1975, you received NJP for being absent from your appointed place of duty. On 11 March 1976, you were convicted by the County of San Luis Obispo, California, of driving drunk which caused an accident and the death of an individual. You were sentenced to nine months in the California Youth Authority for rehabilitation. On 20 May 1976, 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 19 April 1977, an ADB was conducted and recommended that you receive an undesirable discharge due to misconduct. On 3 May 1977, your commanding officer agreed with the ADB and forwarded his recommendation that you receive an undesirable discharge. At that time you were assigned an RE-4 reenlistment code.

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 found that these factors were not sufficient to warrant recharacterization of your discharge, given your record of conviction of a serious offense by civil court, and three NJP's for 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
Executive Director