



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

REC  
Docket No: 00082-11  
29 September 2011

[REDACTED]

[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 28 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.

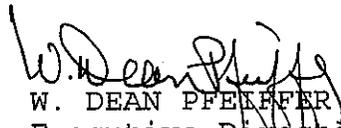
You enlisted in the Navy on 27 December 1982, at age 28. On 10 October 1983, you were convicted by a civil court of being drunk in public. You were sentenced to a fine of \$30, and court costs. On 2 November 1983, you were again convicted by a civil court of being drunk in public. You were sentenced to a fine of \$30, and court costs. On 22 June 1984, you were convicted by another civil court of being drunk in public. You were sentenced to fines of \$30, and court costs. On 30 August 1984, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for 38 days, missing your ship's movement, and disobeying a lawful order. On 19 October 1984, you received NJP for wrongful possession and use of marijuana. On 11 January 1985, you were convicted by a summary court-martial (SCM) of being UA on four occasions totaling 48 days, missing your ship's movement, disobeying a lawful order, and wrongful possession and use of marijuana. You were sentenced to forfeitures of \$300, reduction in pay grade, and confinement at hard labor for 30 days. On 18 February 1985, administrative separation action was initiated by reason of misconduct (frequent involvement). You waived your rights to consult counsel, submit a statement or have

your case heard by an administrative discharge board (ADB). Your misconduct continued and on 20 February 1985, you received NJP for being UA from restricted musters on 17 occasions. On 16 March 1985, your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions (OTH) by reason of misconduct (frequent involvement). On 18 March 1985, you were convicted by a SCM of being UA on 12 occasions from restricted musters. You were sentenced to a forfeiture of \$250, and confinement at hard labor for 30 days. On 20 March 1985, the discharge authority directed an OTH discharge by reason of misconduct (frequent involvement). However, prior to being discharged, on 6 April 1985, you were convicted by your third SCM of being disrespectful in language, disobeying a lawful order, wrongfully communicating a threat, and assault. You were sentenced to forfeiture of two thirds pay, and confinement at hard labor for 30 days. On 16 May 1985, you received your OTH characterization of service due to misconduct (frequent involvement).

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 two NJP's, three civil convictions, and three convictions by SCM's of misconduct. The Board noted that you waived your right to an ADB, your best opportunity for retention or a more favorable characterization of service. 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