



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

REC
Docket No: 00210-11
17 October 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 13 October 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 30 January 1980, at age 25. On 20 January 1981, you received nonjudicial punishment (NJP) for wrongful possession of marijuana. On 10 November 1981, you received NJP for four incidents of being absent from your appointed place of duty, two incidents of being disrespectful toward a superior petty officer, and two incidents of disobeying a lawful order. On 11 February 1982, you received NJP for being in an unauthorized absence (UA) status, being absent from your appointed place of duty, and disobeying a lawful order. On 23 March 1982, you received NJP for being UA on two occasions totaling 16 days, five hours and 30 minutes, failure to obey a lawful order, breaking restriction, and being drunk and disorderly. On 20 April 1982, you were enrolled in an alcohol rehabilitation program. However, on 24 May 1982, you were disenrolled from the program due to non-compliance of program rules and regulations. On 15 June 1982, you received NJP for being UA for two hours, and violating a written order. On 7 October 1982, you received NJP for being UA for one day. On 20 October 1982, 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). On 28 October 1982, your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions (OTH) by reason of misconduct (frequent involvement). On 22 November 1982, the discharge authority directed an OTH discharge by reason of misconduct (frequent involvement). On 1 December 1982, 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 six NJP's for 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