



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

TJR
Docket No: 754-11
26 October 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 25 October 2011. The names and votes of the members of the panel will be furnished upon request. 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 September 1960 at age 20. You served for about a year and four months without disciplinary incident, however, during the period from 29 January to 23 October 1962 you received nonjudicial punishment on three occasions and were convicted by summary court-martial (SCM) on two occasions. Your offenses were failure to obey a lawful order, two periods of unauthorized absence (UA) totalling 13 days, being drunk on duty, and disobedience. On 14 August 1963 you received your fourth NJP for failure to obey a lawful order, assault, and an unspecified offense.

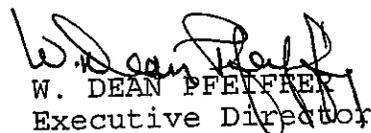
On 2 October 1964, at the expiration of your enlistment, you were discharged under honorable conditions. In this regard, character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic

evaluations. Your conduct average was 2.68. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade the characterization of your general discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge because of the seriousness of your repetitive misconduct, which resulted in four NJPs, two SCMs, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Finally, Sailors with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general characterization of service. Accordingly, your application has been denied.

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



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

BAN
Docket No: 13595-10
18 October 2011

[REDACTED]

[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 15 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.

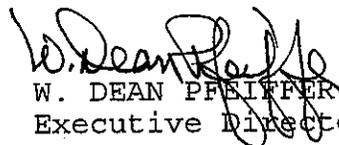
You entered active duty in the Navy on 18 September 1985, and served without disciplinary incident until 18 August 1987, when you received nonjudicial punishment (NJP) for the illegal use of a controlled substance (cocaine). Shortly thereafter, you received a medical evaluation where you admitted to using cocaine. Therefore, you were recommended for separation with an other than honorable (OTH) discharge due to misconduct (drug abuse). You waived all of your procedural rights, to include your right to an administrative discharge board (ADB). The separation authority approved the recommendation. On 22 September 1987, you were separated with an OTH discharge and an RE-4 reenlistment code due to misconduct (drug abuse).

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth and post service conduct. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge due to your drug abuse. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better 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.

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W. DEAN PFEIFFER
Executive Director