



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 3191-11
23 January 2012

[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 18 January 2012. 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 11 April 1983 at age 19 and began a period of active duty. You served for nearly two years without disciplinary incident. However, during the period from 5 February to 7 October 1985 you were convicted by civil authorities of theft of an automobile tag. You also received nonjudicial punishment (NJP) on two occasions for two specifications of failure to obey a lawful order as evidenced by removing photographic equipment from your command, wrongful disposition and appropriation of photographic equipment valued at \$5,101.34, and uttering two checks without sufficient funds totalling \$290.50. You were also in the custody of civil authorities after an arrest warrant was issued for writing checks with insufficient funds in the amount of \$126.99.

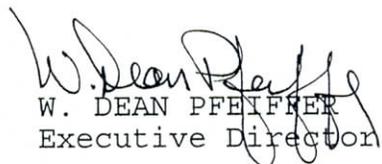
Subsequently, you were notified of pending administrative separation processing by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with military and civilian authorities. After consulting with legal counsel you elected to present your case to an

administrative discharge board (ADB). On 13 November 1991 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with military and civilian authorities as evidenced by a civil misdemeanor conviction, two NJPs, failure to pay just debts, and writing insufficient funds checks. On 22 November 1985 your commanding officer also recommended discharge under other than honorable conditions by reason of misconduct due to a pattern of misconduct. On 7 December 1985 the discharge authority approved these recommendations and directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 13 December 1985, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, desire to upgrade your discharge, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct in both the military and civilian communities. Finally, no discharge is upgraded due solely to an individual's good post service conduct or the passage of time. 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