



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

SJN

Docket No: 03514-11
2 February 2012

[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 31 January 2012. 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.

On 17 December 1982, you reenlisted in the Navy after serving over three years of honorable service. The Board found that during the period from 3 January 1984 to 21 June 1985, you received four nonjudicial punishments (NJP's) for wrongful use of marijuana, wrongful use of provoking words, and five periods of unauthorized absence. Additionally, you were counseled and warned after your first NJP, that further misconduct could result in administrative discharge action. Subsequently, administrative discharge action was initiated to separate you by reason of misconduct due to a pattern of misconduct. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 23 July 1985, the ADB found that you did commit misconduct and recommended separation with an other than honorable (OTH) discharge by reason of misconduct. On 26 July 1985, you received a fifth NJP for two instances of disobedience. On 1 August 1985, your commanding

officer concurred with the ADB's findings and forwarded his recommendation that you be discharged due to misconduct. He stated, in part, that you had demonstrated total disregard for good order and discipline since your initial NJP, were counseled extensively by the chain of command, and had been afforded every opportunity to correct your behavior pattern and declining performance. Further, your declining performance resulted in NJP while awaiting results of your ADB. On 20 August 1985, you received another NJP for four instances of being absent from your appointed place of duty. You were discharged with an OTH characterization of service on 17 September 1985.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and contention of discrimination. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your six NJP's, and the fact that you were counseled and warned on several occasions of the consequences of further misconduct. Concerning your contention of discrimination there is no evidence in the record to support it, and you submitted no such evidence.

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