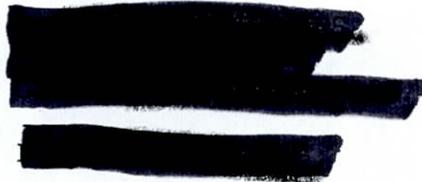




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 4098-11
23 January 2012



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 1 July 1974 at age 17 and began a period of active duty. You served without disciplinary incident until 21 October 1975, when you were convicted by civil authorities of possession of an uninsured vehicle, violation of a vehicle inspection law, and not possessing a driver's license.

During the period from 8 March to 12 July 1977 you received nonjudicial punishment (NJP) on three occasions and were convicted by special court-martial (SPCM). Your offenses were four periods of failure to go to your appointed place of duty, wrongful appropriation of a government vehicle, and three specifications of disobedience. You were also counselled on six occasions during this period.

Subsequently, you were notified of pending administrative separation processing by reason of misconduct due to 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

15 August 1977 an ADB recommended discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. Your commanding officer also recommended discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. On 7 September 1977 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 23 September 1977, 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 and desire to upgrade your discharge. It also considered your assertion of being threatened. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in three NJPs and a court-martial conviction. Finally, there is no evidence in the record, and you provided none, to support your assertion of being threatened. 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