



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

BJG  
Docket No: 5443-11  
29 February 2012



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 28 February 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and entered active duty on 6 November 1984. You received nonjudicial punishment (NJP) on three occasions for wrongful possession of marijuana, unauthorized absence, going from your appointed place of duty (two occasions), willful disobedience of a lawful order, failure to obey a lawful order, dereliction of duty (two specifications), and disrespect. On 22 November 1985, you were convicted by a special court-martial (SPCM) of failure to obey a lawful order, and larceny (two specifications). Your sentence included a bad

conduct discharge (BCD). On 24 April 1987, after appellate review, you received the BCD.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, family issues, and remorse. However, the Board concluded that your BCD should not be changed due to your three NJP's and SPCM conviction of serious misconduct. Finally, you are advised that no discharge is upgraded due merely to the passage of time or post service good conduct. In view of the above, 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