



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

REC
Docket No: 05649-11
1 March 2012

[REDACTED]

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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 29 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

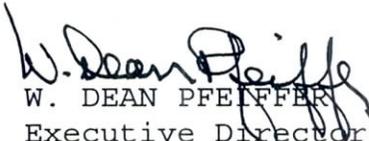
You enlisted in the Navy on 11 March 1981, at age 24. On 10 February 1982, you received nonjudicial punishment (NJP) for being disrespectful toward a petty officer, using provoking speech and gestures, failing to obey a lawful order, and being drunk on duty. On 6 September 1982, you received NJP for being in an unauthorized absence (UA) status for three days, being absent from your appointed place of duty, and dereliction of duty. On 25 January 1983, you received NJP for being UA for 36 days. On 31 March 1983, you were convicted by a special court-martial (SPCM) of being UA for two days, and assault. You were sentenced to a forfeiture of \$150, and confinement at hard labor for 60 days. On 30 November 1983, you were convicted by a second SPCM of being UA for 79 days. You were sentenced to a

forfeiture of \$200, confinement at hard labor for two months, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 27 September 1984, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of three NJP's, and convictions by two SPCM's of serious misconduct. 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