



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

REC
Docket No: 00151-12
27 September 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 26 September 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 27 July 1983, at age 19. On 1 November 1984, you received nonjudicial punishment (NJP) for breach of the peace, being drunk and disorderly onboard a naval vessel, and assault. On 20 December 1984, you received NJP for being in an unauthorized absence (UA) status on four occasions, two incidents of being disrespectful toward a petty officer, extortion, and assault. On 10 January 1985, you received NJP for 12 incidents of failure to go to your appointed place of duty, breaking restriction, larceny, and wrongful possession and use of another Sailor's military identification card with intent to deceive. On 28 February 1985, you received NJP for three incidents of failure to go to your appointed place of duty. On 7 March 1985, you received NJP for three incidents of failure to go to your appointed place of duty. On 2 May 1985, you received NJP for failure to go to your appointed place of duty, and

failure to obey a lawful order. On 23 October 1985, you were convicted by a special court-martial (SPCM) of being UA for 144 days. You were sentenced to a forfeiture of \$400, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 24 September 1986, 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 six NJP's, and one conviction by a SPCM conviction of serious offenses. 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