



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

BAN
Docket No: 03536-12
27 February 2013



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 26 February 2013. 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.

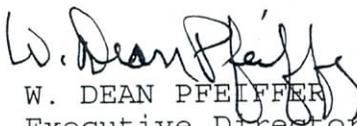
You enlisted in the Navy on 5 July 1977, and served without any disciplinary action until 29 March 1978, when you received nonjudicial punishment (NJP) for an unauthorized absence (UA). Shortly thereafter, you received the following NJP's: on 29 July 1978, for an unknown offense; on 12 September 1978, for failure to obey a lawful order; on 7 November 1978, for illegal possession of a controlled substance (marijuana), larceny and disobedience; and on 13 November 1979, for UA, failure to obey a lawful order, and wrongful possession of a controlled substance (marijuana). On 31 July 1979, you were convicted at a general court-martial (GCM) of resisting lawful apprehension, larceny and wrongful entry to commit a criminal offense. Your sentence included a dishonorable discharge which was later commuted to a bad conduct discharge (BCD). After appellate review, on 18 July 1980, you were separated with a BCD and an RE-4 reenlistment

code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and poor decision making. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your GCM conviction and other 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