



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 3817-98
8 July 1999

[REDACTED]

Dear [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 7 July 1999. 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.

The Board found that you enlisted in the Navy on 20 January 1978 at age 17. The record shows that you then served without incident for about 15 months. On 26 April and 17 May 1979 you received nonjudicial punishments for disobedience and making a false official statement. During the period 16 June to 3 July 1979 you were an unauthorized absentee on two occasions totaling about seven days.

On 23 July 1979 you began another period of unauthorized absence. The record shows that you were apprehended by civil authorities on 26 September 1979 and charged with armed robbery. You returned to the Navy on 21 December 1979. In early 1980 you were convicted by civil authorities and were sentenced to five to seven years in prison.

Based on your conviction by civil authorities you were processed for an administrative discharge. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 15 August 1980 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so

discharged on 3 March 1981.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, period of good service and your contentions that you have been a good citizen for many years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated misconduct, lengthy period of unauthorized absence and especially your conviction by civil authorities of a serious offense. The Board concluded that the discharge was proper as issued and no change is warranted.

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