



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

CRS
Docket No: 2849-01
18 October 2001

[REDACTED]

Dear [REDACTED]

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 3 October 2001. 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 3 February 1976 at age 24. The record reflects that you received five nonjudicial punishments and were convicted by a summary court-martial. The offenses included unauthorized absences totalling about 25 days, wearing an unauthorized uniform, recording false log entries, failure to obey a lawful order, losing military property, absence from your appointed place of duty on two occasions, and violation of a lawful general regulation.

A special court-martial convened on 11 March 1981 and found you guilty of theft of a wallet containing \$200 and assault. The court sentenced you to confinement at hard labor for 30 days, a fine of \$2004, a reduction in pay grade, and a bad conduct discharge. Subsequently, you received three more nonjudicial punishments. The offenses included unauthorized absences totalling five days, being in an unauthorized area, and breaking restriction. You received the bad conduct discharge on 22 December 1982.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of stealing personal property and the fact that you were the subject of ten disciplinary actions. Based on the foregoing, the Board concluded that no change to the discharge 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