



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

TJR  
Docket No: 2989-01  
19 October 2001



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

The Board found you enlisted in the Navy on 26 September 1974 at the age of 17. Your record reflects that on 18 April 1975 you were convicted by civil authorities of speeding and were sentenced to a \$10 fine and court costs. On 21 May 1975 you received nonjudicial punishment (NJP) for a day of unauthorized absence (UA) and absence from your appointed place of duty. The punishment imposed was extra duty for a week.

Your record also reflects that during the period from 4 June to 26 August 1975 you received NJP on three occasions for three periods of absence from your appointed place of duty, dereliction in the performance of your duties, destruction of government property, contempt, failure to obey a lawful order, and failure to appear in your proper uniform. On 14 September 1975 you received a citation from civil authorities for not having a valid drivers license, operating improper equipment, not having a safety inspection, and improper display of tags. On 22 September 1975 you submitted a written request for a general discharge. However, this request was denied.

On 23 December 1975 you were convicted by special court-martial (SPCM) of a three day period of UA, five specifications of failure to go to your appointed place of duty, two specifications of failure to obey a lawful order, disrespect, two specifications of possession of marijuana, two specifications of marijuana use, wrongful appropriation of government property valued at \$45, and two specifications of making threats. You were sentenced to a \$600 forfeiture of pay and a bad conduct discharge (BCD).

Your record further reflects that on 31 March 1976 you received NJP for absence from your appointed place of duty, failure to obey a lawful order, and an 11 day period of UA. The punishment imposed was restriction and extra duty for 45 days and a \$180 forfeiture of pay. Subsequently, the BCD was approved at all levels of review and on 7 September 1976 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that the BCD is unjust because it prevents you from receiving treatment at a veterans' hospital for your substance addiction. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in five NJPs, a court-martial conviction, and conviction by civil authorities. Given the circumstances of your case, the Board concluded your 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