



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

TJR  
Docket No: 3068-01  
26 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 23 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, and applicable statutes, regulations, and policies. The Board was unable to obtain your service record and conducted its review based on the decisional document prepared by the Naval Discharge Review Board.

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 Naval Reserve on 24 February 1978 at the age of 17. Your record reflects that you served for a year and nine months without disciplinary infraction but on 21 November 1979 you received nonjudicial punishment (NJP) for failure to obey a lawful order and were awarded a \$100 forfeiture of pay.

Your record further reflects that during the period from 22 January to 5 September 1980 you received NJP on three occasions for four periods of unauthorized absence (UA) totalling 19 days and failure to obey a lawful order. From 6 January to 19 May 1981 you received NJP on three more occasions for disobedience, two specifications of failure to obey a lawful order, and possession of marijuana.

On 21 May 1981 you were notified of pending administrative separation action by reason of misconduct due to frequent

involvement of a discreditable nature with civil and/or military authorities. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 10 July 1981 an ADB recommended you be issued an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with civil and/or military authorities. On 14 July 1981, you were convicted by summary court-martial (SCM) of absence from your appointed place of duty and failure to obey a lawful order. You were sentenced to a forfeiture of pay and restriction for 30 days. Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct, and on 23 July 1981 you were so discharged.

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 good post service conduct. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct. Given all 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