



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

TRG
Docket No: 4072-01
23 October 2001

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 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, 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.

You enlisted in the Naval Reserve on 9 December 1977 at age 19 and reported to active duty that same day. During the period from 19 September 1979 to 30 October 1980, you received nonjudicial punishment on nine occasions and were convicted by a summary court-martial. Your offenses were 21 periods of unauthorized absence totaling more than 43 days, several absences from your appointed place of duty, sleeping during working hours and leaving your watch without being properly relieved.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct due to your frequent involvement of a discreditable nature with military authorities. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharged board. On 1 November 1980, you began a period of unauthorized absence which lasted until you surrendered on 13 November 1980. During this period of absence, on 8 November 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 21 November 1980.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and contention that you were told that the discharge would be automatically recharacterized to honorable after a period of six months. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given the nature and frequency of your misconduct. There is no provision in the law or regulations which requires recharacterization of a discharge based solely on the passage of time. 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