



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

JRE
Docket No: 4267-02
25 November 2002



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 15 November 2002. 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 25 February 1977. On 22 July 1977, while absent without authority, you were apprehended by civil authorities for two burglaries and another theft offense. On or about 28 September 1977, you pleaded guilty to two counts of burglary, and were placed on probation for two years. On 18 November 1977, you requested that you be discharged for the good of the service in lieu of trial by court-martial of three periods of unauthorized absence, from 20 to 24 May, 26 May-29 September, and 1 October-4 November 1977, and breaking restriction. Your request was granted, and you were discharged under other than honorable conditions on 7 December 1977.

There is no indication in the available records that you were unfit by reason of physical disability, or that you were not mentally responsible when you committed the offenses which resulted in your discharge. The Board was not persuaded that the characterization and basis for your discharge were erroneous or unjust. 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