



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

CRS
Docket No: 4280-02
15 August 2002



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 14 August 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 23 September 1981 at age 19. The record reflects that you received four nonjudicial punishments. The offenses included assisting another Sailor in escaping from confinement, larceny, housebreaking, receiving stolen property, use of marijuana, and an assault upon your wife.

On 15 January 1986 an administrative discharge board recommended that you be separated with an other than honorable discharge by reason of misconduct due to commission of a serious offense. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 27 February 1986 with an other than honorable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that the first four years of your service were honorable. However, the Board concluded that these factors were

not sufficient to warrant recharacterization of your discharge, given the frequency and seriousness of the offenses. In this regard, you had three disciplinary actions during your first four years. Therefore, 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