



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

TJR
Docket No: 6039-01
12 February 2002

[REDACTED]

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

The Board found you enlisted in the Navy on 9 January 1975 at the age of 19. Your record reflects that during the period from 8 February to 31 July 1975 you received nonjudicial punishment (NJP) on five occasions for two specifications of disobedience, disrespect, absence from your appointed place of duty, and three periods of unauthorized absence (UA) totalling 40 days. On 30 December 1975 you were convicted by special court-martial (SPCM) of failure to obey a lawful order, sleeping on watch and theft of property valued at \$150. You were sentenced to confinement at hard labor for three months and a \$500 forfeiture of pay.

During the period from 21 June to 13 October 1976 you received NJP on four more occasions for two periods of absence from your appointed place of duty, loss of an identification card, drunk and disorderly conduct, disrespect, and two specifications of failure to obey a lawful order.

Your record further reflects that on 25 May and 9 June 1977 you submitted written requests for a general discharge for the good of the service in lieu of disciplinary action for four

specifications of disobedience, disrespect, failure to obey a lawful order, and possession of marijuana. However, on 13 June 1977, this request was denied. On 3 August 1977 you were convicted by SPCM of the four specifications of disobedience and sentenced to confinement at hard labor for 75 days, a \$744 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 6 December 1977 you received NJP for possession of marijuana and were awarded restriction and extra duty for 4 days.

On 13 February 1978 you received NJP for absence from your appointed place of duty. The punishment imposed was restriction and extra duty for 14 days and a \$40 forfeiture of pay. On 2 May 1978 you were convicted by SPCM of two periods of UA totalling 17 days. You were sentenced to confinement at hard labor for 60 days and a \$200 forfeiture of pay. Subsequently, the BCD adjudged at the SPCM of 6 December 1977 was approved at all levels of review and on 22 November 1978 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 post service conduct. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in 11 NJPs and three court-martial convictions. 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