



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

TJR
Docket No: 8131-01
24 May 2002

[REDACTED]

[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 21 May 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.

You enlisted in the Navy on 12 March 1979 at the age of 18. On 16 April 1979 you received nonjudicial punishment (NJP) for failure to obey a lawful order and were awarded a \$100 forfeiture of pay. On 1 November 1980 you received NJP for absence from your appointed place of duty and larceny. The punishment imposed was a \$100 forfeiture of pay, restriction for 15 days, and reduction to paygrade E-1. The restriction and reduction were suspended for three months.

On 21 January 1981 you received NJP for two specifications of disrespect and disobedience. The punishment imposed was restriction and extra duty for 30 days and a \$200 forfeiture of pay. The suspended reduction was also vacated at this time. On 23 February 1981 you received your fourth NJP for a five day period of unauthorized absence (UA), disrespect, and

disobedience. The punishment imposed was bread and water for three days and a \$150 forfeiture of pay. On 2 September 1981 you were convicted by summary court-martial (SCM) of absence from your appointed place of duty. You were sentenced to restriction for 21 days and a \$100 forfeiture of pay.

On 8 October 1981 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military and civilian authorities. You waived your rights to consult with legal counsel and to present your case to an administrative discharge board. On 12 October 1981 your commanding officer recommended a general discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. This recommendation was approved and the discharge authority directed a general discharge by reason of misconduct. Although it there is no Certificate of Release or Discharge from Active Duty (DD Form 214) in the record, it appears that you were so discharged on 23 November 1981.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and the fact that it has been more than 20 years since you were discharge. It also considered your contentions that your discharge is an injustice against your character and the reason for separation makes the assumption that you had civilian charges as well as military offenses, and the characterization of your discharge prevents you from gaining employment in law enforcement. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge or a change in the narrative reason for separation because of your repetitive misconduct, which resulted in four NJPs and a court-martial conviction. Further, no discharge is automatically upgraded due to the passage of time. 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