



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

TJR  
Docket No: 10502-02  
12 June 2003

[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 10 June 2003. 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 for four years on 10 June 1981 at age 17. You served two years and two months without disciplinary incident, but on 12 August 1983 you were convicted by summary court-martial (SCM) of two periods of absence from your appointed place of duty and missing the movement of your ship. The sentence of the court included confinement at hard labor for 20 days. You actually served 16 days, thus extending your enlistment to 25 June 1985. On 14 September 1984 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded a \$200 forfeiture of pay and restriction and extra duty for 20 days.

On 25 January 1985 you received NJP for sleeping on watch and were awarded restriction for 14 days and a \$125 forfeiture of pay. On 5 April 1985 you received a third NJP for two periods of absence from your appointed place of duty, disobedience, and

failure to obey a lawful order. The punishment imposed was restriction and extra duty for 14 days and a \$200 forfeiture of pay.

On 17 April 1985 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel, you elected your right to present your case to an administrative discharge board (ADB). On 14 May 1985 an ADB recommended separation under other than honorable conditions by reason of misconduct.

On 11 June 1985 you signed a service record entry stating that your enlistment had been further extended due to a pending investigation into charges that could result in trial by court-martial. On 22 June 1985 your commanding officer concurred with the ADB and recommended an other than honorable discharge by reason of misconduct. On 17 July 1985 the discharge authority directed an other than honorable discharge by reason of misconduct. However, on 19 July 1985, prior to your separation, you received NJP for a two day period of unauthorized absence (UA). The punishment imposed was restriction and extra duty for 14 days, a \$824 forfeiture of pay, and reduction to paygrade E-3. The forfeitures and reduction were suspended for six months. Shortly thereafter, on 25 July 1985, you were discharged under other than honorable conditions.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, period of good service, and the fact that you served on active duty for more than four years. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in four NJPs and a court-martial conviction. 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