



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

CRS
Docket No: 2590-00
9 February 2001

[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 7 February 2001. 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 2 February 1978 at age 20. The record reflects that you received 11 nonjudicial punishments and were convicted by a special court-martial. The offenses included unauthorized absences totalling 55 days, willful disobedience of a lawful order on two occasions, possession of marijuana on two occasions, use of marijuana, being in the presence of marijuana, absence from your appointed place of duty on five occasions, failure to obey a lawful order, and dereliction of duty.

On 27 May 1980 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge on 27 May 1980. On 18 June 1980 the Assistant Secretary of the Navy approved the discharge.

An advisory opinion from the Navy Personnel Command noted that you had requested an early return to the civilian community effective 27 May 1980 and thus did not wait for the final approval. You were correctly granted this early release even though your discharge was pending approval. Favorable action on your request for an upgrade of the discharge was not recommended.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with military -- authorities. The Board especially noted the fact that you were the subject of twelve disciplinary actions within a period of less than three years. Based on the foregoing, 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