



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

TJR
Docket No: 7312-00
13 April 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 4 April 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 19 February 1981 at the age of 19. Your record reflects that you served for a year and two months without incident but on 23 April 1982 you received nonjudicial punishment (NJP) for possession of marijuana and were awarded a \$618 forfeiture of pay and restriction and extra duty for 45 days. On 14 June 1982 you received NJP for failure to go to your appointed place of duty and a four day period of unauthorized absence (UA). The punishment imposed was confinement on bread and water for three days.

Your record further reflects that on 4 March 1983 you received NJP for absence from your appointed place of duty and were awarded a \$150 forfeiture of pay. On 14 June and again on 6 July 1983 you received NJP for three specifications of failure to go to your appointed place of duty and a 19 day period of UA.

Subsequently, you were processed for an administrative separation action by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with military

authorities. On 19 August 1983 the discharge authority directed an other than honorable discharge, and on 1 September 1983 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 contention that your record of NJPs is in error. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the repetitive nature of your serious misconduct, which resulted in five NJPs. The Board noted that there is no evidence in the record, and you submitted none, to support your contention of erroneous information regarding your record of NJPs. Further, since you did not file appeals to any of the NJPs, the Board concluded that the NJPs were properly imposed. 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