



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

JRE
Docket No. 07079-08
26 January 2009

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 15 January 2009. 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.

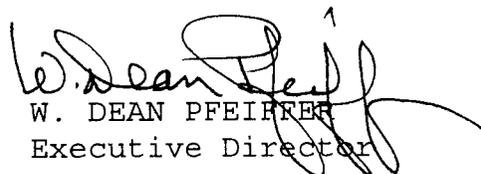
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 6 April 1976 for four years. You received nonjudicial punishment (NJP) on four occasions for violations of articles 78, 86 and 134 of the Uniform Code of Military Justice, and were convicted by two special courts-martial for lengthy periods of unauthorized absence. You underwent a pre-separation physical examination on 1 July 1980 and were considered qualified for separation. The only significant defect noted by the physician who conducted the examination was your need for eyeglasses. You were separated from the Navy on 16 July 1981, with a bad conduct discharge. You completed 3 years, 11 months and 26 days creditable service, and incurred more than 400 days of time lost.

The Board was not persuaded that you were unfit for duty by reason of physical disability at the time of your separation from the Navy. It noted that you would not have been entitled to disability separation or retirement even if you had been disabled at that time, as your punitive discharge would have taken precedence over disability evaluation processing. In addition, the Board concluded that your service was properly characterized as under other than honorable conditions, given your extensive disciplinary record, and that you have not demonstrated that it would be in the interest of justice for it to upgrade your discharge to honorable or general. 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