



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

REC  
Docket No: 05417-09  
27 October 2009

[REDACTED]

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 7 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 31 March 1981, at age 19. During the period from 7 April 1982 to 19 September 1984, you were convicted by two special court-martials (SPCM's) for unauthorized absence (UA) for a period totaling 120 days and failure report to your appointed place of duty, and received three nonjudicial punishments (NJP's) for absence from your place of duty, missing ship's movement, failure to report to your appointed place of duty and UA. You were counseled and warned that further misconduct could result in administrative discharge action.

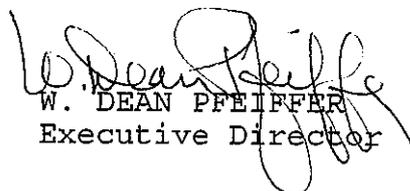
On 10 October 1984, administrative discharge action was initiated by reason of misconduct due to a pattern of misconduct commission of a serious offense. Your case was heard by an administrative discharge board (ADB), which voted three to zero in favor of an other than honorable discharge. Your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct. On 18 October 1984, the discharge authority directed an other than honorable discharge by reason of misconduct. On 14 February

1985, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason or characterization of your discharge, given your record of three NJP's, and two SPCM's, and the fact that you were counseled and warned of the consequences of further misconduct, and still committed more offenses. 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