



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

REC
Docket No: 05796-10
10 March 2011

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 9 March 2011. 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 on 7 June 1978, and began a period of active duty on 26 June 1978. On 22 February 1979, you received nonjudicial punishment (NJP) for being in an area where marijuana was found and having possession of a pipe which was used for smoking marijuana. On 19 April 1979, you received NJP for two incidents of being in an unauthorized absence (UA) status. On 14 June 1979, you received NJP for being disrespectful toward you a chief petty officer on two occasions, and failure to obey a written regulation. On 21 June 1979, you received NJP for larceny. On 6 July 1979, you were convicted by a summary court-martial (SCM) of being disrespectful and contemptuous toward a superior commissioned officer. You were sentenced to forfeitures of \$100, and confinement at hard labor for seven days. On 12 July 1979, you received NJP for being UA from a restriction muster, willfully failing to make ready for sea, and sleeping on the deck during working hours. On 6 August 1979, you received NJP for being UA, willfully disobeying a lawful order, and failing to obey a lawful order. On 15 August 1979, you received NJP for failure to obey a lawful order. On 13 September 1979, you received NJP for willfully disobeying a lawful order from a chief petty officer. On 24 March 1980, you were convicted at a special court-martial (SPCM) of being in a UA status on six

occasions, disobeying a lawful order, and breaking restriction. You were sentenced to forfeitures of \$598, confinement at hard labor for 45 days, and a bad conduct discharge (BCD). Your record is incomplete, but evidentially, your BCD was suspended. However, your misconduct continued, and on 24 September 1980, you were convicted at your second SCM of being UA one day, breaking restriction, and altering official documents. You were sentenced to forfeitures of \$250, and confinement at hard labor for 21 days. On 5 December 1980, you received NJP for two incidents of disobeying a lawful order. On 14 July 1981, you were convicted by your second SPCM of two incidents of being disrespectful in language, and wrongfully communicating a threat to harm a senior chief petty officer and a petty officer. You were sentenced to forfeitures of \$600, confinement at hard labor for 45 days, and a BCD. Pending appellate review, you received two additional NJP's on 10 September 1981 and 2 November 1981 for failure to go to your appointed place of duty, being UA for three days, being absent from your appointed place of duty, and violating a written order. On 17 February 1983, after appellate review, you received the BCD.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of 11 NJP's and convictions by two SCM's and two SPCM's. 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