



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

SJN
Docket No: 09262-10
22 June 2011

[REDACTED]

[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 21 June 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.

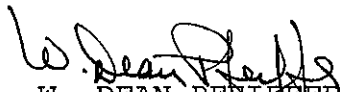
You enlisted in the Navy and began a period of active duty on 26 September 1975. The Board found that you received three nonjudicial punishments (NJP's) for damaging military property, two instances of unauthorized absence totaling 61 days, wrongful appropriation, and breaking restriction. On 14 May 1979, you were convicted by civil authorities of second degree burglary. You were sentenced to three to five years in confinement. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). Your case was forwarded to the discharge authority who directed that you be separated under other than honorable (OTH) conditions by reason of misconduct due to civil conviction. You were so discharged on 30 July 1979.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your three NJP's, civil conviction, and ensuing incarceration for very serious offense. Finally, the Board noted that you waived the right to an ADB, your best chance for

retention or a better characterization of service. 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