



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

TJR  
Docket No: 9871-10  
24 June 2011

[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 21 June 2011. The names and votes of the members of the panel will be furnished upon request. 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.

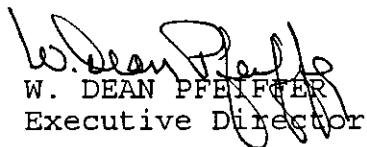
You enlisted in the Naval Reserve on 16 December 1977 at age 18. You served without disciplinary incident until 9 January 1979, when you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totalling four days, disrespect, failure to obey a lawful order, and dereliction of duty. On 31 October 1979 you received NJP for three specifications of disrespect, failure to obey a lawful order, wrongful possession of marijuana, resisting arrest, and two specifications of assault. On 11 November 1980 you received NJP for a five day period of UA. You received your fourth NJP on 15 October 1981 for two periods of UA totalling eight days.

On 4 January 1982, while serving in paygrade E-3 and upon completion of your required active service, you were released from active duty under honorable conditions. Subsequently, on 11 September 1983, at the expiration of your enlistment, you were discharged under honorable conditions.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade the characterization of your release from active duty and discharge, and the letter regarding your treatment for a bipolar disorder. It also considered the character reference letters submitted in support of your case. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your separation because of the seriousness of your repetitive misconduct which resulted in four NJPs. Finally, Sailors with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general characterization of service. Accordingly, your application has been denied.

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