



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

SJN  
Docket No: 04319-09  
8 April 2010

[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 30 March 2010. 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.

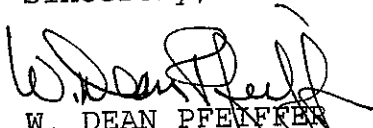
You enlisted in the Navy and began a period of active duty on 21 April 1976 at age 17. During the period from 9 March 1978 to 15 August 1979, you received eight nonjudicial punishments (NJP's) and were convicted by civil authorities of driving under the influence of alcohol. Based on these incidents, administrative discharge action was initiated to separate you by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 17 August 1979, the ADB unanimously recommended separation with an other than honorable discharge by reason of misconduct due to frequent involvement. On 24 August 1979, your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged. On 31 August 1979, you received a ninth NJP for use of a false pass. During the period from 4 September to 20 October 1979, you had two periods of unauthorized absence that totaled 34 days. On 24 October 1979, you were convicted by civil authorities of

failure to appear and possession of hashish. On 8 November 1979, the discharge authority directed an other than honorable discharge by reason of misconduct. On 13 November 1979 you were so discharged.

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 any change in your discharge because of the nine NJP's and two civil court convictions. 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