



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

TJR
Docket No: 1100-01
26 July 2001



Dear [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 17 July 2001. 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.

The Board found you enlisted in the Navy on 29 June 1979 at the age of 18. Your record reflects that you served for a year and four months without disciplinary incident but on 16 October 1981 you received nonjudicial punishment (NJP) for a three day period of unauthorized absence (UA). The punishment imposed was restriction for 45 days, a \$350 forfeiture of pay, and a suspended reduction in rate. On 23 December 1981 you received NJP for dereliction of duty. The punishment imposed was a \$50 forfeiture of pay and extra duty for 10 days.

Your record further reflects that on 11 May and again on 29 November 1982 you received NJP for failure to obey a lawful order, misappropriation of government property, making a false official statement, misbehavior as sentinel, and two specifications of possession of marijuana.

On 30 November 1982 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and drug abuse. You then waived your rights to consult with legal counsel, present your case to an

administrative discharge board, or to submit a statement in rebuttal to the discharge. On 3 December 1982 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to a pattern of misconduct and drug abuse. Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct and on 11 December 1982 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you were told that your discharge would be upgraded if you stayed out of trouble for at least six months after your separation. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct. Further, no discharge is automatically upgraded due to the passage of time and/or an individual's good behavior after discharge. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. 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