



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

TJR
Docket No: 1137-01
26 July 2001

[REDACTED]

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 7 April 1981 at the age of 24. Your record reflects that you served for two years and five months without disciplinary incident. During this period you received a Navy Achievement Medal for outstanding performance of duty. On 12 September 1983 you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty, failure to obey a lawful order, and disrespect. The punishment imposed was a suspended reduction in rate.

Your record further reflects that during the period from 14 June to 18 July 1984 you received NJP on three other occasions for failure to go to your appointed place of duty, two specifications of disobedience, three specifications of absence from your appointed place of duty, and two specifications of failure to obey a lawful order.

On 23 July 1984 you were notified of pending administrative separation action by reason of misconduct due to commission of a serious offense and a pattern of misconduct. After consulting with legal counsel you elected to present your case to an

administrative discharge board (ADB). On 3 September 1984 an ADB recommended a general discharge by reason of misconduct. Subsequently, the discharge authority directed a general discharge by reason of misconduct and on 22 October 1984 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, period of good service, and your contention that due to being harassed, you were unfairly discharged. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in four NJPs. Additionally, the Board noted that there is no evidence in the record, and you submitted none, to support your contention of harassment. 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