



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

TJR
Docket No: 1160-01
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 12 April 1982 at the age of 20. Your record reflects that on 17 August 1982 you received nonjudicial punishment (NJP) for disobedience and disrespect. The punishment imposed was a \$120 forfeiture of pay and restriction and extra duty for 14 days.

Your record further reflects that on 6 January and again on 17 February 1983 you received NJP for misbehavior as sentinel, a five day period of unauthorized absence (UA), assault, disobedience, and two specifications of disrespect.

On 9 March 1983 you were notified of pending administrative separation action by reason of misconduct due to minor disciplinary infractions. 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 1 April 1983 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to minor infractions.

Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct and on 17 March 1983 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 because of your discharge you can not obtain government employment. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct. The Board noted that you received three NJPs for eight separate offenses during less than a year of active service. 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