



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

TJR  
Docket No: 1200-01  
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 5 January 1982 at the age of 24. Your record reflects that during the period from 18 March to 5 August 1982 you received nonjudicial punishment (NJP) on three occasions for two periods of absence from your appointed place of duty, three specifications of insubordination, failure to obey a lawful order, disobedience, and incapacitation for duty. During the period from 3 February to 29 September 1983 you received NJP on three more occasions for failure to obey a lawful order, assault, five periods of absence from your appointed place of duty, indecent exposure, and being out of uniform.

Your record also reflects that on 5 April and again on 12 June 1984 you received NJP for four periods of absence from your appointed place of duty, missing ship's movement, disobedience, and a six day period of unauthorized absence (UA). Shortly thereafter, on 23 June 1984, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. 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 17 July 1984 you received NJP for two periods of absence from your appointed place of duty and a nine day period of UA. The punishment imposed was confinement on bread and water for three days and a \$200 forfeiture of pay. On 7 August 1984 your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct due to a pattern of misconduct. Subsequently, the discharge authority directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct and on 22 August 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 and your contention that your discharge is unjust because it is unduly harsh and bars you from obtaining any military benefits. 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. 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