



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

TJR
Docket No: 1394-01
24 August 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 22 August 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 27 August 1979 at the age of 18. Your record reflects that you served for a nearly a year without disciplinary incident but on 8 August 1980 you received nonjudicial punishment (NJP) for a seven day period of unauthorized absence (UA) and were awarded a \$253 forfeiture of pay and a reduction in rate. On 22 March 1981 and again on 9 October 1982 you received NJP for failure to go to your appointed place of duty, disrespect, drunk and disorderly conduct, and breaking restriction.

Your record further reflects that on 12 June 1983 you were convicted by summary court-martial (SCM) of three periods of UA totalling 38 days. You were sentenced to a \$100 forfeiture of pay, confinement at hard labor for 15 days, and hard labor, without confinement, for 15 days.

On 28 June 1983 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and commission of a serious offense. After consulting with legal counsel you elected to submit a statement in rebuttal

to the separation. On 16 July 1983, despite your statement, your commanding officer recommended you be issued an other than honorable discharge by reason of misconduct. On 4 August 1983 the discharge authority directed an other than honorable discharge by reason of misconduct due to a pattern of misconduct and frequent involvement of a discreditable nature with civil or military authorities. On 9 August 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, personal problems, and your contention that your discharge was unjust. 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 which resulted in four disciplinary incidents. 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