



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

TJR
Docket No: 3835-01
9 November 2001

[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 6 November 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 21 November 1980 at the age of 18. Your record reflects that you served for nearly a year without disciplinary incident but on 21 August 1981 you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was a \$100 forfeiture of pay, half of which was suspended for six months, and extra duty for seven days.

Your record further reflects that on 26 April 1982 you were convicted by special court-martial (SPCM) of a 148 day period of unauthorized absence (UA) and missing the movement of your ship. You were sentenced to reduction to paygrade E-1, a \$500 forfeiture of pay, and confinement at hard labor for five months. On 16 November 1982 you were convicted by summary court-martial (SCM) of a 15 day period of UA, absence from your appointed place

of duty, missing the movement of your ship, and failure to obey a lawful order. You were sentenced to confinement at hard labor for 15 days and a \$150 forfeiture of pay.

On 7 February 1984 you received NJP for absence from your appointed place of duty and were awarded a \$100 forfeiture of pay and confinement on bread and water for three days, which was suspended. However, on 9 May 1984, this suspension was vacated due to your continued misconduct. On 15 May 1984 you were convicted by SCM of a 72 day period of UA and missing the movement of your ship. You were sentenced to reduction to paygrade E-1 and confinement at hard labor for 30 days.

On 1 June 1984 administrative discharge action was initiated by reason of misconduct due to commission of a serious offense. Subsequently, you elected to waive the rights to consult with counsel and present your case to an administrative discharge board. On 12 June 1984, your commanding officer recommended discharge under other than honorable conditions. On 19 June 1984 you begin a 126 day period of UA that was not terminated until 29 October 1984. One day after you departed on this period of UA the discharge authority directed an other than honorable discharge by reason of misconduct. On 30 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, and your contention that you have paid your debt for your periods of UA. 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 two NJPs and three court-martial convictions. The Board also noted the 126 day period of UA for which no disciplinary action was taken. 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