



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

TJR
Docket No: 4140-01
21 November 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 14 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 23 March 1979 at the age of 19. Your record reflects that you served for a year and four months without disciplinary incident but on 30 July 1980 you received nonjudicial punishment (NJP) for a six day period of unauthorized absence (UA). The punishment imposed was restriction for 14 days and a forfeiture of pay, all of which was suspended. On 6 November 1980 you received NJP for absence from your appointed place of duty and were awarded a \$125 forfeiture of pay and restriction and extra duty for 14 days.

Your record contains a page 13 entry which indicates that during the period from 7 to 19 November 1980 you were in a UA status for 12 days. Your record also reflects that on 21 January 1981 you were convicted by summary court-martial (SCM), presumably, for the foregoing 12 days of UA. You were sentenced to reduction to paygrade E-2, restriction for 30 days, and a \$200 forfeiture of pay. On 10 April 1981 you received NJP for four periods of absence from your appointed place of duty and were awarded a \$125 forfeiture of pay and restriction for 14 days.

On 7 August 1981 you were convicted by special court-martial (SPCM) of absence from your appointed place of duty, contempt, three specifications of disrespect, disobedience, assault, drunk and disorderly conduct, and breaking restriction. You were sentenced to reduction to paygrade E-1, confinement at hard labor for four months, a \$1,200 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was approved at all levels of review and on 7 February 1983 you received the BCD.

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 were falsely accused of offenses that resulted in your discharge. 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 three NJPs and two court-martial convictions. Given 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