



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

TRG
Docket No: 1909-02
10 July 2002

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 9 July 2002. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You were released from active duty on 27 September 1982. On 10 May 1983, you reenlisted in the Navy for six years. During the period 11 August 1983 to 28 February 1985, you received nonjudicial punishment on four occasions. Your offenses were two instances of failure to go to your appointed place of duty, disobedience, communicating a threat, theft of two boxes of hit chocolate, leaving your post without authority, and unlawful entry into the coffee mess with intent to commit a criminal offense.

Based on the foregoing record, you were processed for an administrative discharge. Subsequently, an administrative discharge board (ADB) found that you had committed a pattern of misconduct and recommended a general discharge. After review by the discharge authority, this recommendation was approved. You were issued a general discharge on 30 May 1985.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention, in effect, that the ADB recommended your retention in the Navy and you were only issued a general discharge because you did not want to continue in the Navy. The

Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct. There is no evidence in the record, and you have submitted none, to overcome the evidence that the ADB recommended a general discharge, which was approved. The Board believed that you were fortunate to have received a general discharge since a discharge under other than honorable conditions could have been recommended by the ADB and approved by the discharge authority. The Board concluded that the general 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