



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

TJR
Docket No: 4265-02
9 January 2003

[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 7 January 2003. 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.

You enlisted in the Navy on 24 August 1977 at the age of 17. On 14 May 1978 you received nonjudicial punishment (NJP) for possession of marijuana, absence from your appointed place of duty, and wrongful possession of a switchblade. The punishment imposed was a \$150 forfeiture of pay and restriction and extra duty for 45 days. On 25 August 1978 you received NJP for a three day period of unauthorized absence (UA), possession of marijuana, and escaping from custody. The punishment imposed was restriction for 60 days, a \$400 forfeiture of pay, and reduction to paygrade E-1.

On 21 January 1979 you began a 774 day period of UA that was not terminated until 23 March 1981. On 29 April 1981 you were notified of pending separation action by reason of misconduct due to this prolonged period of UA. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 1 March 1981 your commanding officer recommended an other than honorable discharge by reason of misconduct. Subsequently, the discharge authority

directed an other than honorable discharge by reason of misconduct, and on 13 May 1981 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. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct and lengthy period of UA. 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