



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

WMP

Docket No: 5144-02
6 December 2002

[REDACTED]

[REDACTED]

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 4 December 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.

The Board found that you enlisted in the Navy on 22 July 1983 at age 18. You served without incident until 6 March 1985, when you received nonjudicial punishment (NJP) for five instances of making and uttering checks without sufficient funds. The punishment imposed was forfeitures of \$100 per month for two months, 15 days of extra duty and a reduction in rate.

On 19 December 1985 you received NJP for failure to pay just debts. The punishment imposed was forfeitures of \$100 per month for two months and 30 days of restriction. On 30 January 1986 you again received NJP for false official statement. The punishment imposed was a reduction in rate.

Your record further shows that you received NJP for 21 days of unauthorized absence from 4 to 25 March 1986 and missing ship's

movement. The punishment imposed was forfeitures of \$300 per month for two months, 45 days of restriction and extra duty, and a reduction in rate.

On 16 June 1986, you were notified that separation action was being initiated by reason of misconduct due to the commission of a serious offense. You were advised of your procedural rights and elected to consult counsel prior to electing or waiving your procedural rights. On 15 August 1986, after consulting with counsel, you elected to waive the right to present your case to an administrative discharge board.

On 15 August 1986 your commanding officer forwarded your discharge package to the Naval Military Personnel Command (NMPC) recommending an other than honorable discharge. On 14 September 1986 NMPC approved the commanding officer's recommendation and directed an other than honorable discharge by reason of misconduct due to commission of a serious offense. On 7 October 1986, you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board concluded that misconduct due to commission of a serious offense was appropriate based on your four NJP's, all of which were related to your financial irresponsibility and unauthorized absence. 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