



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

WMP
Docket No: 9615-02
1 May 2003

[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 30 April 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 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 31 August 1981 for four years at age 18. Your record reflects that you served without incident until 12 April 1982, when you received nonjudicial punishment (NJP) for possession of marijuana. The punishment imposed was forfeitures of \$275 per month for two months and 45 days of restriction and extra duty.

On 22 April 1982 you were counseled concerning your past performance and warned that further misconduct could result in processing for a less than honorable discharge.

On 12 March 1983 you received NJP for resisting arrest, assault and drunk and disorderly conduct. The punishment imposed was forfeitures of \$150 per month for two months, 20 days of restriction and extra duty and a reduction in rate. On 25

January 1984 you received NJP for failure to go to your appointed place of duty and disrespect. The punishment imposed was correctional custody for 30 days. On 25 April 1984 you again received NJP for destruction of government property and drunk and disorderly conduct. The punishment imposed was a forfeiture of \$298 and 30 days of restriction and extra duty.

On 26 April 1984 you were notified that separation action was being initiated by reason of misconduct due to a pattern of misconduct. You were advised of and waived all of your procedural rights, except the right to obtain copies of the documents supporting the proposed separation and make a statement. On 11 May 1984 the administrative separation action was forwarded to the Commander, Naval Military Personnel Command (CNMPC), recommending an other than honorable discharge. On 25 May 1985, CNMPC directed discharge under other than honorable conditions, and on 4 June 1984 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 found that the other than honorable discharge was appropriate, based on your four NJP's. In this regard, the Board noted not only the frequency of your misconduct but the severity of your actions which included resisting arrest, assault, destruction of government property and possession of marijuana. 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