



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

SRB

Docket No: 02076-03

15 October 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 15 October 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 25 January 1983 at age 19. From 4 November 1983 thru 13 January 1984, you received three nonjudicial punishments (NJP). The offenses included an unauthorized absence of four days, several instances of absence from your appointed place of duty, two instances of disobedience, and breaking restriction.

On 13 March 1984 the commanding officer initiated administrative separation action by reason of misconduct due to a pattern of misconduct. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 15 March 1984 the commanding officer recommended discharge under other than honorable conditions. Subsequently, the separation authority directed discharge and on

27 March 1984, you received an other than honorable discharge by reason of misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board concluded that given your frequent misconduct, the discharge was properly and appropriately assigned. Accordingly, your request 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