



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

TJR
Docket No: 8621-06
17 July 2007

[REDACTED]

[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 17 July 2007. 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 6 July 1979 at age 17 and served without disciplinary incident until 24 March 1980, when you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA). The punishment imposed was correctional custody for 10 days, restriction, and a \$50 forfeiture of pay.

On 29 November 1982 you received NJP for two periods of absence from your appointed place of duty and two specifications of disobedience. The punishment imposed was restriction for 30 days and a \$365 forfeiture of pay.

On 21 March and again on 27 April 1983 you received NJP for to specifications of disobedience and absence from your appointed place of duty. On 1 June 1983 you were convicted by special court-martial (SPCM) of possession of and intent to distribute

marijuana aboard your ship. You were sentenced to confinement at hard labor for three months, an \$1,500 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 15 July 1983 you submitted a written request for suspension of the BCD. Your request stated, in part, as follows:

Request suspension of the discharge.... I am here because one day at work I found a bag of clothing and bought it to my locker. Then I went back to work, when I got off I went through the bag and found marijuana and planned turning it in, but our squadron had a health and welfare search before I could do so. I told my lawyer and he told me to plead guilty, because I could be charged with grand thief and sent to general court-martial with two charges. I believe my sentence was unjust to my behalf.

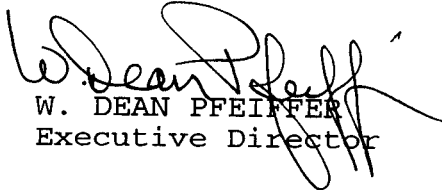
On 16 August 1983 you began a period of appellate leave. After the BCD was approved at all levels of review, on 18 June 1990 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and request to recharacterize your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in four NJPs, a court-martial conviction, and included drug abuse. 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