



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

SJN
Docket No: 08482-07
28 August 2008

[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 26 August 2008. 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 8 May 1980 at age 22. During the period from 19 March 1981 to 8 January 1982, you received three nonjudicial punishments (NJP's) for possession of marijuana, unauthorized absence (UA), and dereliction of duty. On 16 April 1982, you were convicted by special court-martial (SPCM) of wrongful appropriation of government property and disorderly conduct. On 25 June 1982, you were convicted by summary court-martial (SCM) of three specifications of disobedience, two specifications of dereliction of duty, and two specifications of disrespect. Additionally, you were counseled and warned after your second NJP that further misconduct could result in administrative separation.

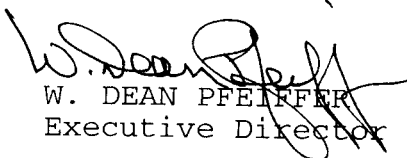
On 6 August 1982, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After being advised of your procedural rights, you waived the

right to an administrative discharge board (ADB). The discharge authority then directed discharge under other than honorable conditions by reason of misconduct. You were so discharged on 23 September 1982.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge because of the three NJP's, one of which was for drug possession, and convictions by SPCM and SCM. Additionally, you were counseled and warned about the consequences of further misconduct. The Board also noted that you waived an ADB, your best chance for retention or a better characterization of service. 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