



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

TJR
Docket No: 11111-07
6 November 2008

[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 5 November 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 27 January 1981 at age 18. You served for about six months without disciplinary incident, but on 1 July 1981 you received nonjudicial punishment (NJP) for a 20 day period of unauthorized absence (UA) and on 15 September 1981 you were convicted by summary court-martial (SCM) of a 48 day period of UA.

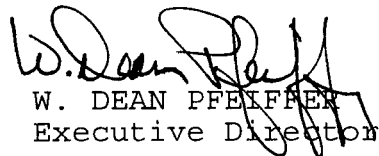
On 2 March 1982 you received NJP for two periods of UA totalling 44 days. About six months later, on 28 September 1982, you were convicted by special court-martial (SPCM) of two periods of UA totalling 49 days and wrongful possession of marijuana. You were sentenced to confinement at hard labor for two months, a \$734 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was approved at all levels of review, and on 21 September 1983 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, assertion of good post service conduct, and desire to upgrade your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and frequent misconduct which resulted in two NJPs and two court-martial convictions. 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