



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

SJN
Docket No: 10503-08
5 October 2009

[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 29 September 2009. 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 and began a period of active duty on 13 November 1985 at age 18. During the period from 27 June 1986 to 8 January 1987, you received three nonjudicial punishments (NJP's) for disobedience, dereliction of duty, three instances of absence from your appointed place of duty, and nine periods of unauthorized absences (UA) totaling 60 days. Additionally, you were counseled and warned, after your first NJP, that further misconduct could result in administrative discharge action.

On 4 March 1987, you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB).

On 5 May 1987, an ADB unanimously found that you had committed misconduct due to a pattern of misconduct, but recommended that you be retained on active duty. However, your commanding officer concurred with the ADB's findings of misconduct, but forwarded your case to the discharge authority recommending that you receive an other than honorable discharge. He stated, in part,

that since your ADB, you had been late to work, counseled numerous times for uniform violations, had a complete disregard for authority, lacked motivation, and were unreliable. On 31 August 1987, the discharge authority directed that you receive a general discharge by reason of misconduct due to a pattern of misconduct. On 23 September 1987 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, overall record of service and post service accomplishments. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your record of three NJP's. The Board also noted that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when an individual is discharged for misconduct. 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