



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

TAL  
Docket No: 01889-09  
30 November 2009

[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 18 November 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 17 January 1975 at age 19. On 19 November 1975, you received nonjudicial punishment (NJP) for two instances of unauthorized absence (UA) and failure to go to your appointed place of duty. On 8 January 1976, you received NJP for insubordinate conduct toward a petty officer. On 15 January 1976, you received NJP for two instances of UA from your appointed place of duty and disobeying a regulation. On 29 January 1976, you received NJP for UA failure to go to your appointed place of duty and possession of marijuana. On 15 July 1976, you were convicted by summary court-martial (SCM) of larceny of government funds, making a false claim, and bribery. On 16 July 1976, you were notified that administrative separation action was initiated by reason of misconduct due to frequent involvement with military authorities. However, on 21 July 1976, you received an additional NJP for four instances of UA failure to go to your appointed place of duty, failure to obey a lawful order and incapacitation for performance of duty. On 22 July 1976 after being advised of your procedural rights, you waived the right to an administrative discharge board (ADB). On 2 August 1976, the commanding officer

forwarded his recommendation for separation, and on 11 August 1976 the discharge authority directed that you be separated for misconduct with a general discharge.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, immaturity and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. The Board noted you were counseled and warned concerning the consequences of further misconduct. The Board also believed that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when a Sailor is separated 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