



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

TAL
Docket No: 01892-09
30 November 2009



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.

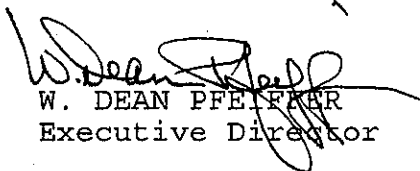
You enlisted in the Navy and began a period of active duty on 5 October 1981 at age 18. On 4 August 1982, you received nonjudicial punishment (NJP) for disobeying a lawful order and a two day period of unauthorized absence (UA) from your unit. On 18 August 1982, you received NJP for UA from your appointed place of duty. On 24 June 1983, you were convicted at a special court-martial of a 37 day period of UA. On 11 August 1983, you received NJP for 12 instances of disobeying a superior officer. On 22 April 1984, you received NJP for a seven day period of UA. On 15 May 1984, you received NJP for seven instances of UA from your appointed place of duty. Additionally, after your fourth NJP, you were counseled and warned that further misconduct could result in administrative discharge action. On 9 July 1984, 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 14 July 1984, an ADB unanimously found that you had committed misconduct due to a pattern of misconduct and recommended discharge under other than honorable (OTH) conditions. Subsequently, your commanding

officer concurred with the ADB and forwarded your case to the discharge authority for review. On 25 August 1984, the separation authority directed an OTH discharge by reason of misconduct due to a pattern of misconduct. On 21 September 1984 you were so discharged.

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 recharacterization of your discharge given the seriousness of your misconduct. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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