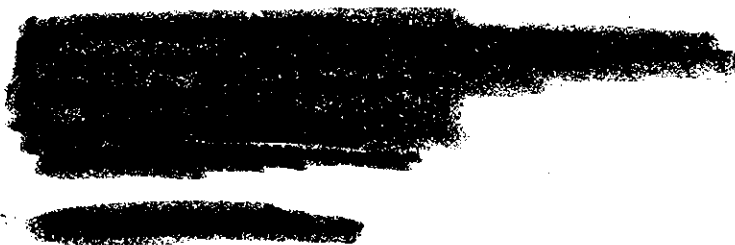




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 2363-09
24 February 2010



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 23 February 2010. The names and votes of the members of the panel will be furnished upon request. 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 4 August 1978 at age 19 and immediately began a period of active duty. You served for a year and nine months without disciplinary incident, but on 30 May 1980 you received nonjudicial punishment (NJP) for five periods of absence from your appointed place of duty, three specifications of disobedience, contempt, and disrespect. About eight months later, on 17 January 1981, you received NJP for three periods of absence from your appointed place of duty, dereliction of duty, damage of a government vehicle, wrongful appropriation of government property valued at \$60, and wrongful possession of cocaine. The punishment imposed was a \$500 forfeiture of pay, restriction and extra duty for 45 days, and a suspended reduction in paygrade.


During the period from 29 January to 3 June 1982 you received NJP on five more occasions for three periods of absence from your appointed place of duty, a two day period of unauthorized absence, missing the movement of your ship, and assault.

On 30 June 1982, three months prior to completion of your required active service, you were released from active duty and transferred to the Naval Reserve under honorable conditions. On 13 August 1984, at the expiration of your enlistment, you were issued a general discharge certificate.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade the characterization of your release from active duty and discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your separation because of the seriousness of your repetitive misconduct which resulted in seven NJPs. Finally, Sailors with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general characterization of service. Accordingly, your application has been denied.

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