



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

BJG
Docket No: 8092-09
29 April 2010



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 27 April 2010. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 8 April 1974. You received ten nonjudicial punishments (NJP's) and one summary court-martial for six periods of unauthorized absence totaling over seven days, missing the movement of your ship, two instances of absence from your appointed place of duty, two instances of wrongful possession of marijuana, disobeying a lawful order from a superior commissioned officer, disrespect to a petty officer, and violation of a lawful general regulation. You were counseled twice, after your first and sixth NJP, that further

misconduct could result in administrative separation. On 17 January 1977, you were notified of pending administrative separation action for an other than honorable (OTH) discharge due to frequent involvement. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 29 April 1997, you received the OTH discharge for frequent involvement; and were assigned an RE-4 reenlistment code.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth character references. However, the Board found that your OTH discharge should not be changed due to your numerous acts of misconduct. The Board noted that you committed more offenses after being counseled and warned that further misconduct could result in administrative separation. The Board found that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. In view of the above, 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