



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

TAL  
Docket No: 1326-10  
10 November 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 3 November 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.

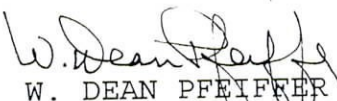
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy and began a period of active duty on 24 June 1980 at age 19. You were convicted by summary court-martial (SCM) on two occasions from September through November 1980 of larceny, making a false official statement, inducing another to steal, and making a false claim against the government. From March 1982 through October 1983, you received nonjudicial punishment (NJP) on three occasions for taking \$20 from another sailor's locker, failure to go to your appointed place of duty and wrongful use of cocaine. On 11 January 1984 you were again convicted by SCM of failure to go to your appointed place of duty. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct. Based on the information currently contained in your record it appears that you subsequently waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 14 February 1984, you received the OTH discharge for misconduct (frequent involvement).

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 that resulted in three NJPs and three SCMs. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Finally, no discharge is automatically upgraded due to the passage of time or an individual's good behavior after discharge. 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