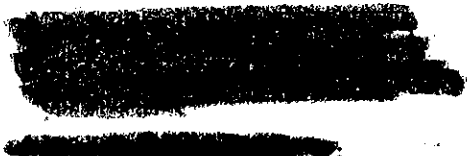




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 4524-09  
12 April 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 6 April 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 14 April 1987 at age 17 and began a period of active duty on 2 June 1978. You served without disciplinary incident until 26 March 1980, when you received nonjudicial punishment (NJP) for disrespect and wrongful possession of marijuana. Shortly thereafter, on 8 April 1980, you were issued a letter of warning regarding your frequent involvement of a discreditable nature with military authorities. During the period from 3 to 18 June 1980 you were in an unauthorized absence (UA) status that was not terminated until you surrendered to civil authorities on charges of possession of marijuana. Subsequently, you were returned to military custody, and on 23 June 1980, you received NJP for a 13 day period of UA. On 30 June 1980 you received your third NJP for two periods of absence from your appointed place of duty.

On 4 September 1980 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 16 September 1980 your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities and a pattern of misconduct as evidenced by three NJPs and being counselled on numerous occasions. However, on 11 October 1980, the discharge authority approved the recommendation for discharge, but directed your commanding officer to issue you a general discharge by reason of misconduct, and on 12 November 1980, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, period of satisfactory service, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your frequent misconduct which resulted in three NJPs and included drug abuse. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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