



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

BJG
Docket No: 10953-10
20 July 2011

[REDACTED]

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This is in reference to your application for correction of your late brother's 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 19 July 2011. 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 brother's 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.

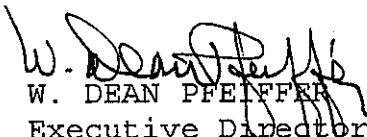
Your brother enlisted in the Navy and entered active duty on 16 December 1977. He received nonjudicial punishment and three summary courts-martial. His offenses included unauthorized absence (six specifications totaling 171 days), absence from his appointed place of duty, and breaking restriction. He was then recommended for administrative separation with an other than honorable (OTH) characterization of service due to misconduct. He waived all of his procedural rights, including

his right to an administrative discharge board (ADB). On 23 September 1980, he was discharged under OTH conditions, and assigned an RE-4 (not recommended for retention) reenlistment code.

The Board, in its review of your brother's entire record, carefully considered all potential mitigation, such as his youth and your current desire for veterans' benefits. Nevertheless, the Board concluded that these factors were not sufficient to warrant upgrading his discharge because of his numerous acts of misconduct. The Board noted that he waived his right to an ADB, his 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