



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 387-12
27 September 2012

[REDACTED]

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 26 September 2012. 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.

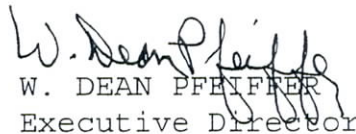
You enlisted in the Navy and began a period of active duty on 26 November 1985 at age 24. You received nonjudicial punishment (NJP) on three occasions for unauthorized absence (UA) from your unit for a period of three days, dereliction in the performance of duty, wrongful use of cocaine, and two instances of failure to go to your appointed place of duty. On 7 October 1987, you were convicted by special court-martial (SPCM) of UA from your unit for a period of five days, missing ship's movement, two instances of failure to obey a lawful order and breaking restriction. The sentence imposed was confinement, a forfeiture of pay and reduction in paygrade. On 18 November 1987, you were notified of pending administrative separation processing with an other than honorable (OTH) discharge due to misconduct (pattern

of misconduct). You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 26 January 1988, you received the OTH discharge for misconduct (pattern of misconduct).

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your repetitive misconduct that resulted in three NJPs and a SPCM. Finally, the Board noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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