



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

TJR  
Docket No: 4638-02  
29 January 2003

[REDACTED]

[REDACTED]

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 23 January 2003. 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 17 October 1984 at the age of 19. On 15 January 1985 you received nonjudicial punishment (NJP) for larceny and were awarded a \$300 forfeiture of pay, a portion of which was suspended for six months.

On 2 December 1986 and again on 29 January 1987 you received NJP for three periods of absence from your appointed place of duty and failure to obey a lawful order. On 7 October 1987 you received NJP for two periods of absence from your appointed place of duty. The punishment imposed was reduction to paygrade E-1, a \$658 forfeiture of pay, and restriction and extra duty for 30 days. The reduction and forfeitures were suspended for six months. Shortly thereafter, on 28 October 1987, you received your fifth NJP for two periods of absence from your appointed place of duty, two specifications of failure to obey a lawful order, and dereliction of duty. The punishment imposed was extra duty and restriction for 45 days and a \$658 forfeiture of pay. The suspended reduction awarded at the 7 October 1987 NJP was also vacated at this time.

On 29 October 1987 you were notified of pending administrative separation action by reason of misconduct due to a pattern of misconduct and commission of a serious offense. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 4 November 1987 your commanding officer recommended an other than honorable discharge by reason of misconduct due a pattern of misconduct and commission of a serious offense. On 11 November 1987 the discharge authority directed an other than honorable discharge by reason of misconduct, and on 25 November 1987 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 and immaturity, post service conduct, and your contentions that your problems were caused by alcoholism and you were having marital problems. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in five NJPs. Further, there is no evidence in the record to support your contentions, and you submitted no such evidence. 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