



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

TRG
Docket No: 4426-99
15 October 1999

[REDACTED]

Dear [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 13 October 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 7 March 1975 at age 17. The record shows that you then served without any disciplinary infractions until 9 November 1977. Beginning on that date and continuing until 9 June 1978 you received nonjudicial punishment on three occasions and were convicted by a special court-martial. Your offenses were three periods of unauthorized absence totaling about 32 days, several absences from your appointed place of duty, missing ship's movement, possession of hashish and another controlled substance, and breaking restriction.

Based on the foregoing record of misconduct you were processed for an administrative discharge. In connection with this processing, you elected to waive your right to request an administrative discharge board in exchange for a recommendation for a general discharge. On 19 July 1978 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a general discharge. You were so discharged on 18 August 1978.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited

education, and your contention, in effect, that you have been a good citizen for many years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your record of misconduct. The Board believed that these mitigating factors were considered when the decision was made to approve a general discharge, since a discharge under other than honorable conditions was also authorized. The Board concluded that the discharge was proper as issued and no change is warranted.

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