



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

CRS
Docket No: 5957-01
18 October 2001



Dear [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 17 October 2001. 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 Naval Reserve on 27 June 1974 and reported to active duty on the same day. The record reflects that you received three nonjudicial punishments and were convicted by a special court-martial. The offenses included assault and battery, disobedience of a lawful order, disrespect on two occasions, use of provoking words, failure to obey a lawful order, and absence from your appointed place of duty.

On 23 March 1976 the commanding officer recommended that you be separated with a general discharge by reason of unfitness. When informed of the recommendation, you elected to waive the right to present the case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with a general discharge on 15 April 1976.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as the contention that you were told that the discharge would be honorable. However, the

Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with military authorities. In this regard, the Board noted that you were the subject of four disciplinary actions within a period of less than two years. Further, there is no evidence in your record that you were informed that the discharge would be honorable. Based on the foregoing, the Board concluded that no change to the discharge 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