



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

SMW
Docket No: 9807-06
29 March 2007

[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 28 March 2007. 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.

On 5 July 1979 you enlisted in the Navy Reserve at age 17 with parental consent. On 23 August 1979 you began a three year period of active service. On 9 July and 18 November 1980 you received nonjudicial punishment (NJP) for destruction of government property, three instances of unauthorized absence (UA) totaling about 18 days, and disobedience of a lawful order.

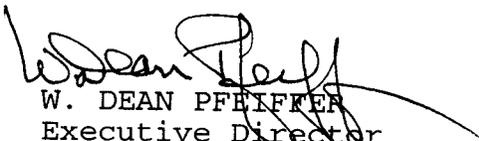
On 9 December 1980 your commanding officer (CO) initiated administrative separation action by reason of convenience of the government because you were an administrative burden to the command due to your numerous minor disciplinary infractions. At that time you were advised that you would receive the type of discharge warranted by your service record. In connection with this processing, you did not consult counsel, submit a statement or object to discharge. On 20 January 1981 the separation authority approved the recommendation for separation and directed a general discharge. On 21 January 1981 you were so discharged.

Characterization of service is determined, in part, by overall trait and military behavior averages computed from marks assigned on a periodic basis. Your final overall trait and military behavior averages were 2.5 and 2.6, respectively. Averages of 2.7 in overall trait and 3.0 in military behavior were required for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. The Board also considered your contention that you would have received an honorable discharge if you had not been medically discharged for a knee injury. Nevertheless, the Board concluded that these factors or contention were not sufficient to warrant recharacterization of your discharge due to your repetitive misconduct that resulted in discharge, and failure to attain the minimum overall trait and military behavior averages required for a fully honorable characterization of service. Furthermore, there is no evidence in the record to show that you were medically discharged. Therefore, 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