



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

SMW
Docket No: 5521-07
24 January 2008

[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 23 January 2008. 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 7 October 1974, you enlisted in the Navy at age 18. On 10 June 1975, you were convicted in civil court of larceny. On 31 July 1975, you received adverse performance evaluation marks. On 26 August 1975, your commanding officer initiated administrative separation by reason of misconduct due to civil conviction and convenience of the government due to unsuitability. In connection with this processing, you acknowledged that separation could result in an undesirable discharge (UD) and waived the right to have your case heard by an administrative discharge board (ADB). On 26 September 1975, your commanding officer endorsed the recommendation by further stating that you had a negative attitude toward the service and exposure to the public as a tour guide did nothing to improve it, but was detrimental to the Navy's image. He further stated that you were counseled on several occasions, which resulted in little change. Your commanding officer subsequently recommended discharge by reason of convenience of the government due to unsuitability. On 6 November 1975, the separation authority approved the discharge recommendation and directed discharge by reason of convenience of

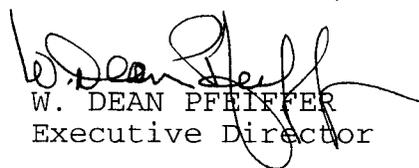
the government due to unsuitability and characterization of service to be determined by your service record. On 14 November 1975, you were separated with a general discharge by reason of convenience of the government due to unsuitability.

Characterization of service is determined, in part, by marks assigned on a periodic basis. Averages of 2.7 in overall trait and 3.0 in military behavior were required for a fully honorable characterization of service. Your final overall trait and military behavior averages were 3.05 and 2.8, respectively.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and contention that you were not given a chance. Nevertheless, the Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge due to your civil conviction of larceny and failure to maintain the military behavior average required for a fully honorable characterization of service. 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