



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

SMW
Docket No: 5539-07
24 January 2008

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 28 June 1976, you enlisted in the Naval Reserve at age 18 and began a period of active service. On 31 January 1977, you had nonjudicial punishment (NJP) for a breach of peace. On 20 April 1977, you had NJP for assault and possession of marijuana. You were also counseled regarding deficiencies in your performance and conduct, and warned that further infractions could result in disciplinary action or administrative separation. On 5 July and 4 November 1977, you had NJP for three instances of absence from your appointed place of duty, two instances of failure to obey a lawful order, making a false official statement, and wrongfully wearing civilian clothing on board ship. On 4 July 1979, you were released from active duty under honorable conditions due to the expiration of your active service. On 14 July 1982, you were issued a general discharge upon completion of your obligated service.

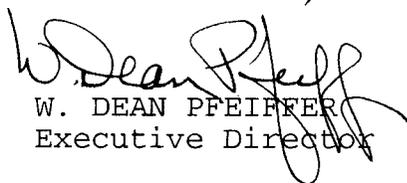
Characterization of service is determined, in part, by overall trait and military behavior averages computed from marks assigned on a periodic basis. Your final overall trait and military behavior averages were 2.87 and 2.84, respectively. An average

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 potential mitigation, such as your youth and contention that your evaluation marks dropped due to having personal conflicts with a superior. Nevertheless, the Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge due to your failure to maintain the military behavior average required for a fully honorable characterization of service. Furthermore, there is no evidence in the record of a personal conflict contributing to your misconduct or evaluation marks. The Board found that you were fortunate to have received a general discharge, since most individuals with repetitive misconduct such as yours are not allowed to complete their contractual obligation, but are administratively separated with an undesirable discharge. 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