



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

TJR  
Docket No: 8780-07  
25 June 2008

[REDACTED]

[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 24 June 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.

You enlisted in the Navy on 30 July 1974 at age 17 and served without disciplinary incident until 26 March 1975, when you received nonjudicial punishment (NJP) for misbehavior as sentinel. The punishment imposed was a \$50 forfeiture of pay and restriction and extra duty for 10 days.

On 14 May 1976 you received NJP for two specifications of disobedience, wrongful possession of marijuana, and being in an unauthorized area. The punishment imposed was restriction for 60 days, extra duty for 45 days, a \$160 forfeiture of pay, and reduction to paygrade E-1. About three months later, on 21 August 1976, you began a 175 day period of unauthorized absence (UA) that was not terminated until you were apprehended by the Federal Bureau of Investigation on 10 February 1977. On 16 May 1977 you began another period of UA for 63 days, which terminated on 17 August 1977. Although these periods of UA were dismissed due to duress, they were recorded as 238 days of lost time.

On 22 September and again on 22 November 1977 you received NJP for 25 periods of absence from your appointed place of duty, specifically, enlisted muster and working parties, and failure to obey a lawful order.

On 24 February 1978 you were released from active duty under honorable conditions. On 24 March 1981, at the expiration of your enlistment, you were issued a general discharge.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.8. An average of 3.0 in conduct was required at the time of your discharge 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 and desire to upgrade your discharge to honorable because you believe you did nothing wrong and should not be unfairly treated. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which result in four NJPs, and since your conduct average was insufficiently high to warrant an honorable discharge. Finally, the Board noted that you were fortunate to receive a general discharge considering your record of misconduct and lengthy periods of lost time. 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