



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

SMW
Docket No: 10256-07
10 July 2008

[REDACTED]

[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 9 July 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 24 October 1968, you enlisted in the Navy at age 20. On 9 November 1969, you had nonjudicial punishment for failure to obey a lawful order, two instances of disrespect, assault, and failure to go to your appointed place of duty. On 27 March 1979, a psychiatric evaluation found that you had an emotionally unstable personality that existed prior to enlistment and recommended discharge without further trial of service. On 6 April 1970, your commanding officer initiated administrative separation by reason of convenience of the government due to unsuitability, and recommended that characterization of service be determined by your service record. In connection with this processing, you acknowledged the separation action and declined to submit a statement. On 22 April 1970, the separation authority approved the discharge recommendation and directed discharge by reason of convenience of the government due to unsuitability, and directed that the characterization of service be determined by your service

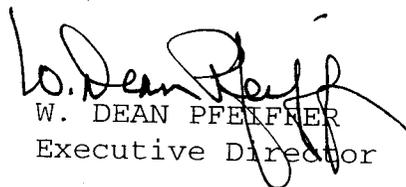
record. On 27 April 1970, you were discharged with a general discharge by reason of convenience of the government due to unsuitability.

Characterization of service is determined, in part, by overall trait and military behavior mark averages computed from marks assigned on a periodic basis. Your overall trait and military behavior mark averages were both 1.0. 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 potential mitigation, such as your youth. The Board also considered your belief that your discharge was suppose to automatically change after one year and contention that your misconduct resulted while in defense of other Sailors. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your misconduct that apparently resulted in your failure to attain the minimum military behavior average required for a fully honorable characterization of service. Furthermore, there is no provision in the law or regulations that allows for recharacterization of service due solely to the passage of time. Regarding your contention, there is no evidence in the record to support your contention. 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