



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

SMS
Docket No: 1823-08
9 October 2008

[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 8 October 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 3 October 1972, you enlisted in the Navy at age 17 with parental consent. During the period 2 February 1973 to 9 February 1974, you had nonjudicial punishment (NJP) on three occasions. Your offenses included two instances of disrespect, possession of marijuana, and a two day period of unauthorized absence. On 20 June 1974, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in disciplinary action or an undesirable discharge (UD). On 1 September 1974, you were counseled regarding deficiencies in your performance and conduct. On 13 September 1974, you had NJP for failure to obey a lawful order, dereliction in the performance of your duties, and communicating a threat.

On 23 September 1974, your commanding officer initiated administrative separation action by reason of unfitness due to frequent discreditable involvement. In connection with this processing, you acknowledged that separation could result in a UD and elected to have your case heard by an administrative discharge board (ADB). On 24 September 1974, you had NJP for absence from your appointed place of duty. On 25 September 1974, an ADB convened and found that you were guilty of unfitness due to frequent discreditable involvement, but recommended a general discharge. On 22 November 1974, the separation authority approved the discharge recommendation and directed a general discharge by reason of unfitness due to frequent discreditable involvement. On 5 December 1974, you were so discharged.

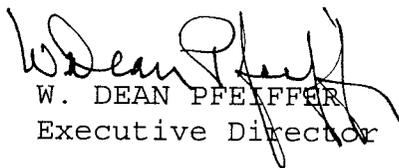
The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were warned that further infractions could result in administrative separation. 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.

The Board noted that as a result of your general characterization of service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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