



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

SMS
Docket No: 2635-08
20 November 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 19 November 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 29 December 1972, you enlisted in the Navy at age 19. During the period 9 September 1973 to 12 December 1975, you had nonjudicial punishment on four occasions. Your offenses included a six day period of unauthorized absence, missing the movement of your ship, two instances of failure to obey a lawful order, sleeping on post, absence from your appointed place of duty, and making a false official statement. On 4 January 1976, you were released from active duty under honorable conditions and transferred to the Navy Reserve. On 28 June 1977, you were discharged with a general discharge for enlistment in the Army National Guard.

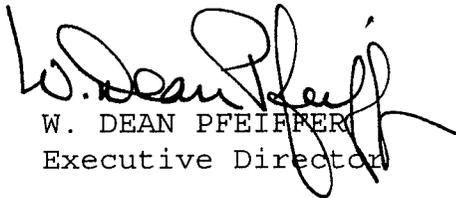
Characterization of service is determined by a service member's conduct, actions, and overall trait and behavior marks assigned on a periodic basis. Minimum acceptable overall trait and behavior mark averages of 2.7 and 3.0, respectively, were

required to form the basis for a fully honorable characterization of service. Your overall trait and behavior mark averages were 2.67 and 2.8, respectively. Given your disciplinary actions, failure to attain the minimum overall trait and behavior mark averages required to form the basis for a fully honorable characterization of service, and since you have been treated no differently than others in your situation, the Board found that your service warranted a general characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and desire for a better discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your overall service record and failure to attain the required overall trait and behavior mark averages 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