



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

SMS  
Docket No: 4914-08  
20 February 2009

[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 19 February 2009. 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 27 June 1979, you enlisted in the Navy Reserve and immediately began a period of active duty. On 31 January 1981, you had nonjudicial punishment for use of marijuana, resisting apprehension, and dereliction in the performance of your duties. Your punishment included restriction, forfeiture of pay, and a reduction in rank. Your commanding officer subsequently reinstated you to pay grade E-3. On 23 June 1982, you were released from active duty with a general characterization of service due to the termination of your obligated service. On 26 June 1985, you were separated with a general discharge due to the expiration of your obligated service.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and period of good service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization

of your service. In this regard, characterization of service for members who are released from active duty due to the termination of obligated service is determined by their conduct, actions, and overall trait and behavior marks assigned on a periodic basis. Minimum acceptable average overall trait and behavior marks of 2.8 and 3.0, respectively, were required to form the basis for a fully honorable characterization of service. Your average overall trait and behavior marks were 2.81 and 2.8, respectively. Given your disciplinary action and failure to attain the behavior mark average required for a fully honorable characterization of discharge, the Board found that your service warranted a general 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.

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