



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

BJG
Docket No: 9266-08
8 July 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 7 July 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 and medical records, 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. The Board found that you entered active duty in the Navy on 8 February 1967. You received nonjudicial punishment (NJP) on eight occasions for three instances of unauthorized absence totaling more than six days, drunk and disorderly on two occasions, assault of two shore patrolmen, resisting apprehension, use of reproachful language on two occasions, drunk in uniform, failure to obey a lawful order, and failure to go to your appointed place of duty. On 14 May 1969, you were counseled and warned that you were being recommended for administrative separation for frequent involvement of a discreditable nature with military authorities

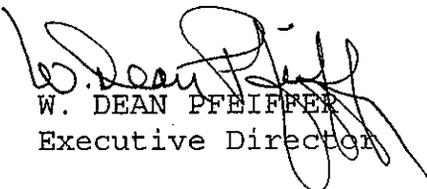
with a type warranted by service record characterization. On 13 August 1969, you received a general discharge for frequent involvement of a discreditable nature with military authorities, and were assigned an RE-4 reenlistment code.

Characterization of service is based in part on marks assigned on a periodic basis. For a fully honorable characterization of service at the time of your separation, you needed a 3.0 average in military behavior. Your average was 2.9.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth, belief that your discharge would automatically be upgraded after six months, and alcohol abuse problem. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your general discharge because of your numerous acts of misconduct and insufficient military behavior mark average. You are advised that no discharge is upgraded based merely on the passage of time. The Board noted that you were fortunate to receive a general discharge, because an other than honorable discharge would have been appropriate in light of your numerous acts of misconduct. In view of the above, 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

Copy to:
The Honorable 