



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

TJR  
Docket No: 9438-08  
13 August 2009

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 11 August 2009. The names and votes of the members of the panel will be furnished upon request. 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.

You enlisted in the Naval Reserve on 2 November 1972 at age 17 and began a period of active duty on 2 April 1973. You served for five months without disciplinary infraction but your record reflects that on 25 September 1973 you were absent from your appointed place of duty. The record does not reflect the disciplinary action taken, if any, for this period of absence.

On 30 January 1974 you were convicted by special court-martial (SPCM) of two periods of unauthorized absence (UA) totalling 38 days and sentenced to confinement at hard labor for two months and a \$200 forfeiture of pay. On 19 March 1974 you were again convicted by SPCM of a 10 day period of UA. You were sentenced to confinement at hard labor for two months. Subsequently, you were processed for an administrative separation by reason of unsuitability due to substandard performance inadaptability. The discharge authority directed separation under honorable conditions and on 4 June 1974 you were issued a general discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that you were told that your discharge would be automatically upgraded 90 days after your separation from the Navy. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your substandard performance, inability to adjust to military life, and your very short period of service in which you were convicted by SPCM on two occasions. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct. Accordingly, your application has been denied.

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