



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 9931-08

8 April 2008

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

You enlisted in the Navy on 28 March 1972 at age 18. During the period from 8 August 1972 to 2 July 1973 you received nonjudicial punishment on four occasions. Your offenses were three periods of unauthorized absence totaling about 10 days and breaking restriction. During this period, you were granted drug exemption after you admitted to extensive drug use. On 7 August 1973 you were notified of separation processing. At that time, you elected to waive the right to have your case heard by an administrative discharge board. On 14 August 1973 you received your fifth nonjudicial punishment for disobedience. On 30 August 1973 the separation authority approved the recommendation of your commanding officer for a general discharge by reason of convenience of the government and you were so discharged on 5 September 1973.

When an individual is discharged by reason of convenience of the government the regulations in effect at the time required an average mark in conduct of 3.0 for a fully honorable characterization of service. Your average mark in conduct was 2.67.

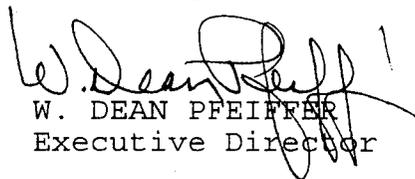
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited

education and low score on the aptitude test. The Board also considered your contention, in effect, that you have been a good citizen for many years. The Board found that these factors and contention were not sufficient to warrant recharacterization of the general discharge given your disciplinary record, failure to achieve the required average mark in conduct and the nature of your offenses. The Board believed that you were fortunate to have received a general discharge and 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