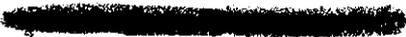




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BAN
Docket No: 10608-08
21 August 2009



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 13 August 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.

You enlisted in the Navy on 27 March 1978, and served without disciplinary incident until 5 November 1979, when you received nonjudicial punishment (NJP) for possessing a false identification card.

Shortly thereafter, on 21 December 1979, you received an NJP for unauthorized absence and failure to obey a lawful order. You were recommended for separation with a general discharge due to the convenience of the government because you were an administrative burden to the command and since your conduct average was insufficiently high to warrant an honorable discharge.

Characterization of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your overall trait average was

2.76. An overall average of 3.0 was required at the time of your separation for a fully honorable characterization of service. Therefore, the separation authority approved the recommendation and on 7 November 1980, you were separated with a general discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct and insufficiently high trait average. 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