



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

SMS
Docket No: 7235-08
27 March 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 24 March 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.

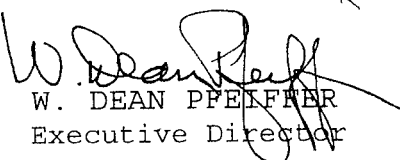
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 5 January 1978, you enlisted in the Navy at age 17 with parental consent. During the period 9 June 1978 to 18 January 1982, you had nonjudicial punishment (NJP) on seven occasions and a suspended punishment vacated from one of your NJP's. Your offenses included possession of marijuana, six occasions of unauthorized absence (UA) totaling about 33 days, possession of drug paraphernalia, two instances of disrespect, two instances of disobedience of a lawful order, and drunk and disorderly conduct. During this period you also had six occasions of UA totaling about four days for which you did not receive disciplinary action, and were counseled on five occasions regarding your misconduct and given administrative separation warnings due to your misconduct. Nevertheless, on 26 January 1982, you were released from active duty under honorable conditions due to the expiration of your active service. On 16 January 1984, 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 belief that your infractions were minor and did not warrant a general characterization of service. Nevertheless, the Board found that these factors and belief were not sufficient to warrant recharacterization of your service. In this regard, characterization of service for members who are released from active duty or discharged due to the expiration of their active or 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 2.7 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 3.3 and 2.7, respectively. Given your repetitive misconduct and failure to attain the behavior mark average required for a fully honorable characterization of service, the Board found that your service warranted a general characterization of service, and further noted that you were fortunate to have received such a discharge since you met the requirements to be discharged for misconduct. 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.

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