



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

BAN  
Docket No: 3496-09  
20 January 2010

[REDACTED]

[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 13 January 2010. 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 17 December 1980, and served without disciplinary incident until 19 June 1981, when you received nonjudicial punishment (NJP) for five specifications of unauthorized absence (UA).

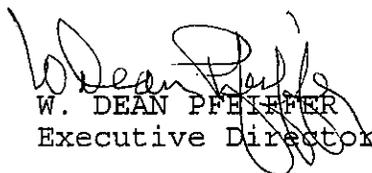
Shortly thereafter, you received the following NJP's: on 17 December 1981, for failure to obey a lawful order by using an illegal substance (marijuana); and on 24 January 1983, for failure to obey a lawful order by improperly standing a watch. You were recommended for administrative separation due to misconduct. The separation authority approved the recommendation and on 7 March 1983, you were separated for misconduct with a general discharge and an RE-4 reenlistment code. Characterization of service is based, in part, on trait marks assigned on a periodic basis. Your overall trait average was 2.73. An overall trait average of 3.0 was required for a fully

honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct and insufficiently high trait mark average. Finally, the Board believed that considerable clemency was extended to you when you received a general discharge. 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