



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

REC

Docket No: 09684-09
18 June 2010

[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 16 June 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.

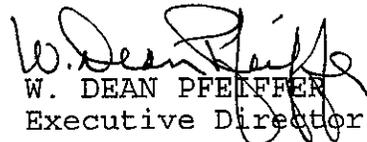
You enlisted in the Navy on 25 November 1975, at age 17. On 2 April 1976, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for ten days. On 22 June 1976, you received NJP again, for being UA for a period of 21 days. On 7 July 1976, you were evaluated by a psychiatrist. You disclosed the fact that you were a homosexual and had been for approximately five years, and that you were having difficulty continuing to cover it up. As a result of this evaluation you were processed for an administrative discharge with the type warranted by your service record by reason of unfitness as evidenced by your own admission. You then elected to waive the rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 19 July 1976, your commanding officer forwarded his recommendation to separate you by reason of unfitness with a general discharge. On 26 July 1976, the separation authority directed that you be separated with a general discharge by reason of unfitness. You were so discharged on 30 July 1976.

Characterization of service is based in part on conduct marks assigned on a periodic basis. Your conduct average was 2.8. A 3.0 conduct average was required at the time of your separation for a fully honorable discharge.

The Board, in its review of your entire record, carefully weighed all potentially mitigating factors, such as your youth, and immaturity. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your insufficiently high conduct mark average. The Board noted that you waived your right to an ADB, your best opportunity for a better characterization of service. The Board concluded your 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