



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

TAL
Docket No: 11928-10
10 August 2011

[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 3 August 2011. 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.

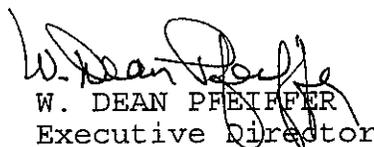
You enlisted in the Navy and began a period of active duty on 27 August 1969 at age 17. You received nonjudicial punishment (NJP) on three occasions for assault, two instances of unauthorized absence (UA) from your unit for a periods totaling 23 days, dereliction in the performance of duty, failure to obey a written order and being disrespectful in language toward a petty officer. On 21 October 1971, you were arrested by civil authorities in Silver City, New Mexico, for reckless driving and driving while intoxicated. You were sentenced to 27 days in Grant County jail. You were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 12 December 1972, you were convicted by summary court-martial (SCM) of two instances of UA from your unit for a period totaling 39 days. On 6 January 1973, you signed a statement that you voluntarily accepted a general discharge for the convenience of the government. On 23 January 1973, you received an early separation under honorable conditions and were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, Vietnam service, and overall record. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge or a change in your reenlistment code, given the seriousness of your misconduct that resulted in three NJPs, a SCM, and periods of UA that totaled over two months. The Board also believed that you were fortunate to receive a general discharge since a discharge under other than honorable conditions is often directed when a Sailor has committed misconduct such as yours. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board also noted that you should contact the Department of the Navy, Navy Personnel Command (BUPERS), Code PERS-3C, 5720 Integrity Drive, Millington, TN 38055-3120 to request that you be issued the Presidential Unit Citation and administrative corrections be made to your Certificate of Discharge or Release from Active Duty (DD Form 214).

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