



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 3189-11
23 January 2012

[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 18 January 2012. The names and votes of the members of the panel will be furnished upon request. 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 Naval Reserve on 15 March 1974 at age 18 and began a period of active duty on 10 July 1974. You served for nearly eight months without disciplinary incident, however, during the period from 10 October to 31 December 1974, you received nonjudicial punishment (NJP) on three occasions for six periods of absence from your appointed place of duty, failure to obey a lawful order, three specifications of disobedience, and an unspecified offense.

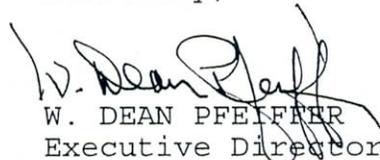
On 1 May 1975 you received your fourth NJP for two periods of absence from your appointed place of duty and were awarded a \$100 forfeiture of pay, restriction for 30 days, and extra duty for 10 days. Subsequently, you were processed for an administrative separation by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board (ADB), on 10 June 1975, your commanding officer recommended you be issued a

general discharge by reason of unfitness. The discharge authority approved this recommendation and directed separation under honorable conditions by reason of unfitness. On 17 June 1975, while serving in paygrade E-1, you were issued a general discharge by reason of unfitness and assigned 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 and desire to upgrade the characterization of your general discharge. It also considered your assertion that you should have received a medical discharge because of an injury you received while aboard your ship. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge because of the seriousness of your misconduct, which resulted in four NJPs. Further, Sailors with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general characterization of service. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

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