



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

CRS
Docket No: 3856-98
15 April 1999

Dear [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 14 April 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 30 August 1974 at age 17. Your record reflects that you received six nonjudicial punishments. The offenses included unauthorized absences totalling 10 days, absence from your appointed place of duty on two occasions, disrespect, possession of marijuana, communicating a threat, failure to obey a lawful order, possession of another Sailor's identification card, resisting apprehension, and breaking restriction.

On 3 July 1975 administrative separation action was initiated by reason of unfitness. On 8 July 1975 the commanding officer recommended that you be separated with a general discharge by reason of unfitness. When informed of this action, you elected to waive your right to present your case to an administrative discharge board, provided you were recommended for a general discharge. After review by the discharge authority, the recommendation for separation was approved and you received a general discharge on 16 July 1975.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you enlisted at the age of 16. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your frequent involvement with military authorities. The Board especially noted the fact that you were the subject of six disciplinary actions within a period of less than a year, and that you waived your procedural rights in order to receive a general discharge. Additionally, your records show that you presented evidence that you were 17 at the time of enlistment. Therefore, the Board concluded that no change to the discharge 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