



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

ELP  
Docket No. 2414-01  
10 July 2001

[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 Navy Records, sitting in executive session, considered your application on 8 August 2001. 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.

You enlisted in the Navy on 23 March 1973 for three years at age 19. The record reflects that you were advanced to SA (E-2) but served only four months without incident. During the five-month period from July to December 1973 you received three nonjudicial punishments (NJP) for use of reproachful words, a three-hour period of unauthorized absence, disorderly conduct, and assault. You then served without further incident until 5 April 1974 when you received a general discharge by reason of pregnancy.

Character of service is based, in part, on military behavior and overall traits averages that are computed from marks assigned during periodic evaluations. Your military behavior and overall traits averages were 2.9 and 3.3, respectively. At the time of your discharge, a minimum average mark of 3.0 in military behavior was required for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and the fact that it has been more than 27 years since you were discharged. The Board noted that you have been denied veterans benefits from the state of Illinois due to the character of your discharge, and your contention that you were never informed that your discharge could be the basis for denial of veterans' benefits. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your record of three NJPs in only 13 months of service and the fact that you failed to achieve the required average in military behavior. What veterans' benefits you have been denied could not be determined from your application. The fact that certain benefits have been denied does not provide a valid basis for recharacterizing service. The Board concluded that the discharge was proper 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