



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

TJR  
Docket No: 10392-02  
12 September 2003



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 9 September 2003. 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 6 October 1976 at age 19. On 21 July 1977 you received nonjudicial punishment (NJP) for a 31 day period of unauthorized absence (UA) and were awarded a \$75 forfeiture of pay, reduction to paygrade E-1, and restriction for 30 days.

On 16 August 1977 you were notified of pending separation action by reason of unsuitability. At that time you waived your right to consult with legal counsel and to submit a statement in rebuttal to the separation. On 19 August 1977 your commanding officer recommended separation by reason of unsuitability. This recommendation also stated, in part, as follows:

Counselling and rehabilitation attempts as a result of UA indicate that Member has no motivation or desire to continue his current enlistment. He would be an administrative burden to whatever command attached.

Subsequently, the discharge authority directed a general discharge by reason of unsuitability, and on 2 September 1977 you were so discharged.

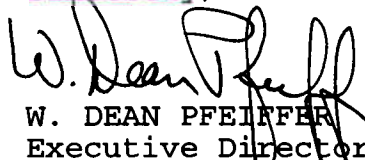
Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.0. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and your contention that you were told that your discharge would be automatically upgraded a year after your separation. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the lengthy period of UA and since your conduct average was insufficiently high to warrant an honorable discharge. Further, no discharge is automatically upgraded due 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.

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