



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

CRS
Docket No: 2835-02
6 November 2002

[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 Naval Records, sitting in executive session, considered your application on 30 October 2002. 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 10 June 1976. The record reflects that you received five nonjudicial punishments for an unauthorized absence of at least a day, stealing a tape from the Navy Exchange, absence from your appointed place of duty on two occasions, violation of a lawful general regulation, and dereliction of duty.

On 10 August 1978 the commanding officer recommended that you be separated with a general discharge by reason of unfitness. When informed of the recommendation, you elected not to submit a statement on your behalf. After review by the discharge authority, the recommendation for separation was approved and on 12 August 1978 you received a general discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with military

authorities. The Board especially noted the fact that you were the subject of five disciplinary actions within a period of less than three years. In this regard, individuals discharged by reason of unfitness often receive undesirable discharges. Therefore, the Board concluded that you were fortunate to receive a general discharge. 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