



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

BJG  
Docket No: 10761-08  
21 August 2009



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 20 August 2009. 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 and medical records, 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 entered active duty in the Navy on 22 December 1970. You received nonjudicial punishment on two occasions for failure to obey a lawful order, dereliction in the performance of your duties, to instances of unauthorized absence, and violation of a lawful general regulation. On 1 March 1972, you were counseled regarding substandard performance. On 1 September 1972 and 1 March 1973, you received an adverse mark in military behavior. You were recommended for administrative separation due to unsuitability with a type warranted by service record characterization of discharge. On 12 September 1973, you received a general

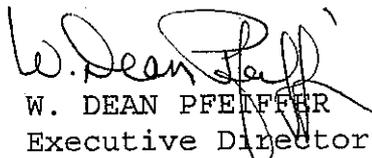
discharge for unsuitability, and were assigned an RE-4 reenlistment code.

Character of service is based in part on overall military behavior marks assigned on a periodic basis. Your overall military behavior mark average was 2.9. You needed a 3.0 average for a fully honorable characterization of service.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth and the passage of time. Nevertheless, the Board concluded that these factors were not sufficient to warrant upgrading your OTH discharge because of your misconduct and insufficiently high overall military behavior mark average. You are advised that no discharge is automatically upgraded due to the passage of time. In view of the above, 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 PFEEFFER  
Executive Director