



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

BJG  
Docket No: 675-10  
30 September 2010



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 29 September 2010. 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 entered active duty in the Navy on 30 September 1974. You received nonjudicial punishment on three occasions for drunk and disorderly conduct, use of provoking words or gestures, an unauthorized absence (UA) totaling one day, and sleeping on watch. You also had another two day period of UA for which no disciplinary action was taken. You were notified that your commanding officer was recommending you for administrative separation due to misconduct. You waived all of your

procedural rights, including your right to an administrative discharge board (ADB), to receive a general discharge. On 29 June 1976, you received a general discharge due to misconduct

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. However, the Board concluded that your discharge should not be changed because of your misconduct. The Board found that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. The Board concluded that you were fortunate to receive a general characterization of service, because individuals who are separated for misconduct such as yours normally receive an other than honorable discharge. 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.

You are advised that you may contact the Navy Personnel Command (Awards Branch), 5720 Integrity Drive, Millington, Tennessee 38055 regarding your awards 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