



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

SJN  
Docket No: 05782-11  
22 March 2012

[REDACTED]

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 March 2012. 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 and began a period of active duty on 3 May 1976. Although the record is incomplete, the Board found that on 5 May 1977, you received nonjudicial punishment (NJP) for disobedience. You received a forfeiture of pay and extra duty. On 5 August 1977, a service record entry was made stating that you acknowledged that you were not eligible for reenlistment due to having created an administrative burden to your command due to minor military and civil infractions. You were discharged with a general characterization of service due to convenience of the government on 5 August 1977.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and belief that you could simply request and upgrade to an honorable discharge at anytime. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP and the fact that you were not eligible for reenlistment. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization automatically due solely 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