



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 2311-00

5 September 2000

[REDACTED]

Dear [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 August 2000. 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 8 August 1972 for three years at age 21. The record reflects that you were advanced to AA (E-2) and served for more than seven months without incident. However, during a 29-month period from March 1973 to August 1975 you received seven nonjudicial punishments (NJP). Your offenses consisted of six periods of unauthorized absence totalling about 40 days, three instances of failure to obey a lawful order, three instances of failure to go to your appointed place of duty, missing restricted mens' muster, breaking apprehension and assault.

On 5 August 1975 you were notified that administrative separation processing was being initiated by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. You were advised of your procedural rights and elected to present your case to an administrative discharge board (ADB). However, on 8 August 1975, you agreed to waive an ADB provided that the commanding officer recommended you for a

general discharge. Thereafter, the commanding officer recommended a general discharge by reason of unfitness. On 15 August 1975 you submitted a voluntary request for early return to the civilian community in lieu of awaiting final action by the Chief of Naval Personnel. Your request was approved and you were discharged on 22 August 1975. The Chief of Naval Personnel directed a general discharge on 3 September 1975.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your limited education and the fact that it has been more than 25 years since you were discharged. The Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of seven NJPs. The Board believed that you were fortunate that the commanding officer agreed to a general discharge since most individuals with records such as yours were discharged under other than honorable conditions. You have provided neither probative evidence nor a convincing argument in support of your application. The Board concluded that the discharge was proper and no change is warranted. 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