



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

CRS  
Docket No: 6641-01  
5 December 2001

[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 5 December 2001. 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 Naval Reserve on 13 February 1973 at age 17. You reported to active duty on 9 May 1973. The record reflects that you received five nonjudicial punishments. The offenses included unauthorized absences totalling 60 days, breaking restriction, and dereliction of duty.

On 3 July 1974 the commanding officer recommended that you be separated with a general discharge by reason of unfitness. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you received a general discharge on 30 July 1974.

The statement of service sent to you by the National Personnel Records Center on 22 May 2001 stating that you have an other than honorable discharge is in error and should be disregarded. Enclosed is a copy of the Certificate of Release or Discharge from Active Duty (DD Form 214), which shows that you received a

general discharge, under honorable conditions. In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you were told the discharge would be upgraded to honorable within six months. 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 two years. In this regard, individuals discharged by reason of unfitness often received undesirable discharges. Therefore, the Board concluded that you were fortunate to receive a general discharge. Additionally, no law or regulation provides for a change in a discharge based solely on 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



NS/SDIEGO/040  
29 July 1974

From: Commanding Officer, Naval Station, San Diego,  
California 92136

To: [REDACTED]

Subj: Narrative reason for discharge/separation

1. The reason for your separation from active duty on 30 July 1974  
is "FREQUENT INVOLVEMENT WITH CIVILIAN OR MILITARY AUTHORITIES".

[REDACTED], LTJG, USN  
By direction