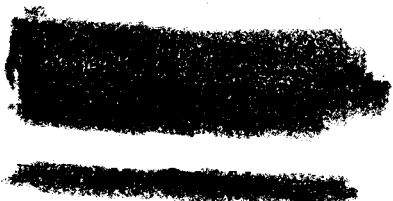




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

CRS

Docket No:3621-07  
9 May 2008



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 30 April 2008. 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.

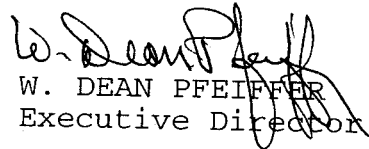
The Board found that you enlisted in the Navy on 28 April 1972 under the provisions of the Medical Remedial Enlistment Program. You received four nonjudicial punishments between 7 December 1973 and 4 June 1974, for offenses that included unauthorized absence, failure to obey a lawful order, failure to go to appointed place of duty, absence from appointed place of duty, disobedience, and an unspecified violation of a lawful regulation. You received a general discharge by reason of convenience of the government/obesity on 23 December 1974.

In its review of your application the Board carefully considered your contentions to the effect that you suffered from Osgood Schaltter's disease, and that you lost thirty-five pounds during your enlistment, but found those factors insufficient to warrant upgrading your discharge to honorable. You received a general discharge because your conduct and overall trait averages (OTA) were 2.35 and 2.63, respectively. At that time, minimum averages of 3.0 in conduct and 2.7 in OTA were required for an honorable discharge. Accordingly, and as you have not demonstrated that it would be in the interest of justice to upgrade your discharge as an exception to policy, 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