



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

BJG
Docket No: 10855-08
26 August 2009

[REDACTED]

[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 25 August 2009. 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 and medical records, 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 19 May 1964. You received nonjudicial punishment (NJP) on four occasions for four instances of unauthorized absence totaling about 13 days. On 23 June 1966, you were convicted by civil authorities for driving without a license. You were recommended for a general discharge due to unfitness. You waived all of your rights, including the right to an administrative discharge board (ADB). The separation authority approved your commanding officer's recommendation. On 5 January 1967, you received the general discharge due to unfitness.

Character of service is based in part on trait marks assigned on a periodic basis. Your overall trait average was 2.86. You needed a 3.0 overall trait average for a fully honorable characterization of service.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth, family problems, and post service good conduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant changing your general discharge because of your numerous acts of misconduct and insufficiently high overall trait average. The Board noted that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. 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.

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