



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

BJG
Docket No: 10919-08
21 August 2009



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 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.

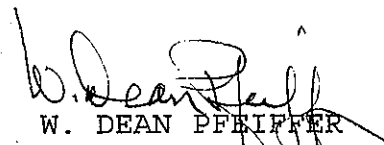
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The Board found that you entered active duty in the Navy on 19 December 1969. On 9 August 1970, you had nonjudicial punishment for a 26 day period of unauthorized absence (UA). On 14 June 1971, you were convicted by special court-martial for five instances of UA totaling 67 days and failure to go to your appointed place of duty. On 25 June 1971, you were recommended for administrative separation for the convenience of the government with the type of discharge warranted by your service record. On 3 August 1971, you received a general discharge for the convenience of the government, and were assigned an RE-4 reenlistment code.

Characterization of service is based in part on proficiency and conduct marks which are assigned on a periodic basis. Your proficiency and conduct mark averages were 2.0 and 3.2, respectively. A 4.0 average in each category was required for a fully honorable discharge.

The Board, in its review of your entire record, carefully weighed all potential mitigation, such as your youth, remorse, and post service good conduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant upgrading your general discharge because of your misconduct and insufficiently high proficiency and conduct mark averages. 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 PFRIFFER
Executive Director