



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

BJG

Docket No: 14-09

1 October 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 30 September 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 13 December 1979. On 28 December 1979, you were granted a waiver for pre-service drug abuse. You were counseled and warned that further drug abuse could result in administrative separation. You received nonjudicial punishment on three occasions for two instances of wrongful possession of marijuana, three instances of disobeying a lawful order, assault, and wrongful appropriation of a military identification card. On 13 February 1982, you were notified of pending administrative separation action due to substandard performance or an inability to adapt to military service. You


waived all of your procedural rights. On 18 March 1982, you received a general discharge for being a burden to your command due to substandard performance or an inability to adapt to military service, and were assigned an RE-4 reenlistment code.

Characterization of service is based in part on military behavior marks assigned on a periodic basis. Your overall military behavior mark average was 2.6. A 3.0 military behavior mark average was required 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 and allegation of being discharged over a "single incident." Nevertheless, the Board concluded that these factors were not sufficient to warrant upgrading your general discharge because of your numerous acts of misconduct and insufficiently high military behavior mark average. The Board concluded that you were fortunate to have received a general discharge, since many Sailors receive other than honorable discharges for such misconduct. 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