



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

BJG
Docket No: 11945-09
12 August 2010

[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 10 August 2010. 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 entered active duty in the Navy on 23 January 1978. You received nonjudicial punishment and were convicted by a summary court-martial. Your offenses included wearing civilian clothes while on restriction, failing to muster for restriction, and a 60 day period of unauthorized absence. You were notified that your commanding officer was recommending you for administrative separation with a type of characterization warranted by your service record due to unsuitability. You waived all of your

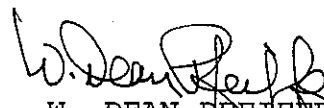
procedural rights, including your right to an administrative discharge board (ADB). On 21 August 1978, you received a general discharge due to unsuitability, and were assigned an RE-4 (not recommended for retention) reenlistment code.

Characterization of service is based in part on trait marks assigned on a periodic basis. Your overall trait average was 1.9. A 3.0 overall trait average was required for a fully honorable discharge.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and allegation of "sexual trauma." However, the Board concluded that your discharge should not be changed because of your misconduct and insufficiently high overall trait average. The Board found that you waived your right to an ADB, your best opportunity for retention or a better characterization of service. The Board concluded that you were fortunate to receive a general characterization of service, because individuals who are separated for misconduct such as yours normally receive an other than honorable discharge. Regarding your allegation, the Board found no evidence in your record to support it, and noted that you provided no such evidence. 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