



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

TAL
Docket No: 12287-09
26 August 2010

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.


You enlisted in the Navy and began a period of active duty on 29 August 1974 at age 17. You received nonjudicial punishment (NJP) on two occasions for three instances of unauthorized absence (UA) from your unit for a period totaling 16 days and breaking restriction. On 25 April 1975, you were notified of pending administrative discharge processing due to unsuitability and apathy. On 25 April 1975, you submitted a written statement affirming your desire to be discharged from the Navy. You waived all of your procedural rights, including your right to consult counsel. On 30 April 1975, you received a general discharge due to misconduct.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. The Board believed that you were fortunate to receive a general discharge since a separation under other than honorable

conditions is often directed when a Sailor is separated for misconduct. Finally, concerning your contention that your date of enlistment should be 24 August 1973 vice 29 August 1974; the Board found that your record contains documentary evidence that your enlistment contract was signed and dated 29 August 1974. Accordingly, 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