



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

TAL
Docket No: 800-10
19 October 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 14 October 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 26 April 1974 at age 17. On 17 January 1975, you were convicted by special court-martial (SPCM) of three instances of unauthorized absence (UA) that totaled a period of 76 days and disrespect toward a superior officer. The sentence imposed was two months confinement, and a forfeiture of pay. On 22 January 1975, you were notified of pending administrative discharge processing with a general discharge due to unsuitability. In connection with this processing, on 22 January 1975, you acknowledged the separation action and on 30 January 1975, the discharge authority approved the recommendation for separation. On 29 January 1975, you were discharged with a general characterization of service.

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. The Board also 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 such as your UAs. Concerning your alleged mental problems, there is no indication in the record that such problems, if they existed at the time of your service, were so serious as to excuse you of responsibility for your actions or were sufficiently mitigating to warrant recharacterization. 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