



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

REC
Docket No: 07233-10
7 April 2011

[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 6 April 2011. 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 10 August 1972. On 24 April 1972, you received nonjudicial punishment (NJP) for willful disobedience of a superior petty officer. On 14 June 1973, you were convicted by special court-martial (SPCM) of two incidents of assault, and resisting arrest. You were sentenced to forfeitures of \$1200, reduction in pay grade, and confinement at hard labor for six months. On 30 July 1974, you received NJP for wrongful use of marijuana. On 25 August 1974, you were notified that administrative discharge procedures were initiated and that you would receive a general discharge and a reenlistment code of RE-4 upon your separation. However, your misconduct continued and on 24 September 1974, you received your third NJP for being disrespectful toward a commissioned officer, leaving your assigned post, and being present in an unauthorized area. The discharge authority directed a general discharge. You were so discharged on 1 October 1974.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of three NJP's and one conviction by SPCM of misconduct. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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