



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD, SUITE 1001  
ARLINGTON, VA 22204-2490

REC  
Docket No: 04031-12  
27 February 2013



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 21 February 2013. 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 reenlisted in the Navy and began a period of active duty on 11 September 1970, after serving over five years of honorable service. On 16 December 1971, you received nonjudicial punishment (NJP) for operating a vehicle in a reckless manner. On 27 April 1972, you received NJP for reporting to watch 45 minutes late. On 13 November 1972, you received NJP for failure to obey a lawful order, and failure to comply with a uniform regulation. On 27 April 1973, you were convicted by a special court-martial (SPCM) of being in an unauthorized absence (UA) status for 147 days. You were sentenced to a forfeiture of \$300, reduction in pay grade, and confinement at hard labor for three months. On 28 June 1973, you were notified that administrative discharge procedures were initiated and that you would receive a general discharge due to misconduct upon your separation. On 11 July 1973, your commanding officer forwarded

his recommendation that you receive a general discharge by reason of misconduct. The discharge authority directed a general discharge. You were so discharged on 9 August 1973, and assigned an RE-4 (not recommended for retention) reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and Vietnam service. However, the Board found that these factors were not sufficient to warrant any change in your characterization of service or reenlistment code, given your record of three NJP's, conviction by a SPCM of misconduct and non-recommendation for retention. 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