



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 6949-99

18 February 2000

[REDACTED]

Dear [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 16 February 2000. 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 enlisted in the Navy on 16 July 1957 for a minority enlistment at age 17. The record reflects that you were advanced to ATAN (E-3) and served for nearly 15 months without incident. However, during the 24 month period from October 1958 to October 1960 you received seven nonjudicial punishments (NJP). Your offenses consisted of three brief periods of unauthorized absence, making a false official statement, two instances of failure to obey a lawful order, absence from your appointed place of duty, and wrongful appropriation of a motorcycle. During this period you were also convicted twice by civil authorities of driving without a license.

On 15 November 1960, you were released from active duty under honorable conditions and transferred to the Navy Reserve. You received a general discharge upon completion of your military obligation on 15 July 1963.

Character of service is based, in part, on military behavior and overall trait averages which are computed from marks assigned during periodic evaluations. Your military behavior and overall trait averages were 2.45 and 2.78, respectively. At the time of your discharge, a minimum average mark of 3.0 in military behavior was required for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity and the fact that it has been more than 36 years since you were discharged. The Board noted your contention that reason for your discharge was because of a personality conflict between you and your superiors. The Board concluded that these factors and contention were insufficient to warrant recharacterization of your discharge given your record of seven NJPs, two minor civil convictions, and your failure to achieve the required average in military behavior. The Board concluded that you were extremely fortunate to receive a general discharge since most individuals with records such as yours receive discharges under other than honorable conditions. The Board thus concluded that the discharge was proper and no change is warranted. 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