



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

ELP
Docket No. 6297-00
2 March 2001

[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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 28 February 2001. 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 Naval Reserve on 2 November 1973 and were ordered to 24 months of active duty. The record reflects that you completed recruit training and CS "A" School, were advanced to CSSA (E-2), and were assigned to duty with a fleet unit in La Maddalina, Spain. You served without incident until 8 March 1974 when you were seen by a medical officer in response to concern over suicidal statements you had made. Your complaints were directed toward the duty station, lack of activity, and being homesick. The medical officer's impression was moderate depression due to isolation and domestic separation. On 26 March 1974, the medical record noted that you had been seen about every three or four days during the past three weeks for discontent due to being stationed overseas in an isolated area. You mentioned taking your life, but this talk appeared to be a manipulative attempt to gain stateside duty. Your problems were discussed with the commanding officer who agreed to speak with you. However, your attitude remained unchanged.

During the six-month period from August 1974 to February 1975 you received three nonjudicial punishments (NJP) four instances of absence from your appointed place of duty, insubordination, and two instances of failure to obey a lawful order.

On 22 May 1975 you were convicted by special court-martial of three periods of UA totalling about 39 days and wrongful appropriation of an automobile. You were sentenced to confinement at hard labor for six months, forfeitures of \$229 per month for six months, and a bad conduct discharge. On 16 June 1975 the convening authority approved only so much of the sentence that provided for four months of confinement and forfeitures.

On 24 June 1975, the transient personnel unit in Great Lakes IL requested authority to discharge you by reason of convenience of the government with type of discharge warranted by your service record. Authority was granted and you were notified on 14 July 1975 that you were being processed for discharge by reason of convenience of the government due to being a burden to the command as evidenced by substandard performance or an inability to adapt to military service. On 15 July 1975 the unexecuted portion of the sentence to confinement was remitted and you were separated with a general discharge.

Character of service is based, in part, on military behavior and overall traits averages which are computed from marks assigned during periodic evaluations. Your military behavior and overall traits averages were both 2.6. The minimum average marks required for a fully honorable characterization at the time of your discharge were 3.0 in military behavior and 2.7 in overall traits.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been more than 25 years since you were discharged. The Board noted your contention that you acquired an addiction problem while stationed in an isolated overseas area. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your record of three NJPs and special court-martial conviction, and your failure to achieve the required averages in military behavior and overall traits. Your contention is neither supported by the evidence of record nor by any evidence submitted in support of your application. The Board 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