



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

TJR
Docket No: 1439-01
24 August 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 of the Board for Correction of Naval Records, sitting in executive session, considered your application on 22 August 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 21 January 1952 at the age of 17. Your record reflects that during the period from 5 August 1952 to 12 November 1953 you received nonjudicial punishment (NJP) on four occasions for neglect in the performance of your duties, two specifications of disobedience, using profane language, absence from your appointed place of duty, and possession of an unauthorized liberty card.

Your record further reflects that on 25 February 1954 you were convicted by summary court-martial (SCM) of breaking restriction and were sentenced to confinement at hard labor for 20 days and a \$60 forfeiture of pay. On 21 June 1954 you received your fifth NJP for being out of uniform and were awarded extra duty or five days. On 8 December 1954 you were convicted by special court-martial (SPCM) of disobedience and a day of unauthorized absence (UA). You were sentenced to confinement at hard labor for a month, a \$50 forfeiture of pay, and a reduction in rate.

Subsequently, on 23 September 1955, you were released from active duty under honorable conditions and transferred to the Naval

Reserve. At that time your conduct average was 2.93. On 20 January 1960, at the expiration of your military obligation, you were issued a general discharge certificate.

Character of service was based, in part, on conduct and overall trait averages which were computed from marks assigned during periodic evaluations. An average of 3.25 in conduct was required at the time of your service for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that your problems were caused by your alcohol abuse. However, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your service because of your frequent misconduct, which resulted in five NJPs and two court-martial convictions, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your 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