



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

TJR
Docket No: 4202-01
23 November 2001

[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 20 November 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 Reserve on 13 November 1972 at the age of 18. Approximately five months later, on 2 April 1973, you received nonjudicial punishment (NJP) for theft and were awarded restriction and extra duty for 10 days and a \$150 forfeiture of pay.

Your record reflects that on 26 June 1973, after undergoing a psychiatric examination, you were diagnosed with a character and behavior disorder and recommended for an administrative separation. On 3 July 1973 you were notified of pending administrative separation action by reason of unsuitability due to the diagnosed character and behavior disorder. At that time you waived your rights to consult with legal counsel and to submit a statement of rebuttal to the discharge. On 27 July 1973 the discharge authority directed a general discharge by reason of unsuitability. On 22 August 1973 you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during

periodic evaluations. Your only conduct mark was 2.6. However, an average of 3.0 in conduct was required at the time of your separation 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, post service conduct, and your contention that a relatively minor offense is the only reason you did not received a fully honorable discharge. However, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your service because of your insufficiently high conduct mark. 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