



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

TJR
Docket No: 8507-06
11 July 2007

[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 11 July 2007. 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 enlisted in the Navy on 11 September 1951 at age 18. You served for one year and seven months without disciplinary incident, but during the period from 21 April to 5 December 1953 you received nonjudicial punishment (NJP) on four occasions for a two day period of unauthorized absence (UA), two periods of absence from your appointed place of duty, destruction of government property, being drunk on duty, and drunkenness. You were also convicted by special court-martial (SPCM) of a 30 day period of UA and breaking restriction. On 14 July 1954 you were convicted by summary court-martial (SCM) of two periods of failure to go to your appointed place of duty.

Your record also contains three offense reports which reflect that on 23 and 25 May 1953 you were using provoking speech, absent from your appointed place of duty, and made a false official statement, and that on 29 September 1954 you were recklessly driving. However, the record does not reflect the disciplinary action taken, if any, for this misconduct.

Subsequently, you were processed for an administrative separation by reason of convenience of the government. Accordingly, the discharge authority directed a general discharge, and on 3 November 1954 you were so discharged.

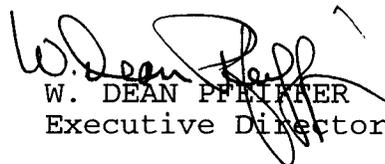
Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.17. An average of 3.25 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion that you served in a time of need and did nothing to deserve a general discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in four NJPs and two court-martial convictions, and since your conduct average was insufficiently high to warrant an honorable discharge. 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