



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

SMW
Docket No: 7407-07
24 April 2008

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 23 April 2008. 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.

On 4 May 1973, you enlisted in the Navy at age 19. On 13 April 1974, you received a performance evaluation while a student at a nuclear power school which stated that your performance was unsatisfactory and you were unsuitable to enroll in the nuclear power program due to frequent disciplinary problems. On 22 May 1974, you had nonjudicial punishment (NJP) for two instances of failure to obey a lawful order. On 23 May 1974, you acknowledged receiving derogatory performance evaluation marks. On 28 May 1974, you began an unauthorized absence (UA) that ended on 5 June 1974, a period of about eight days. On 20 June 1974, you had NJP for the eight day UA.

On 11 July 1974, your commanding officer initiated administrative separation by reason of convenience of the government due to unsuitability. In connection with this processing, you acknowledged that separation could result in a

general discharge. On 12 July 1974, the separation authority approved the separation recommendation and directed a general discharge by reason of convenience of the government due to unsuitability. On 17 July 1974, you were so discharged.

Characterization of service is determined, in part, by overall trait and behavior mark averages computed from marks assigned on a periodic basis. Your final overall trait and behavior averages were 2.9 and 2.4, respectively. Averages of 2.7 in overall trait and 3.0 in behavior were required for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contention of recruiter misconduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your misconduct and failure to attain the minimum behavior mark average required for a fully honorable characterization of service. Regarding your contention, there is no evidence in the record of recruiter misconduct. Therefore, the Board concluded that the discharge was proper as issued 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