



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 7742-07

20 August 2008

[REDACTED]

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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 19 August 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.

You enlisted in the Navy on 29 May 1957 at age 17 and served for two years and three months without disciplinary incident, but on 19 August 1959, you received nonjudicial punishment (NJP) for disobedience and were awarded restriction and extra duty for seven days.

Your record contains an administrative remarks entry dated 16 November 1959 which states, in part, that in almost all of your assigned tasks, you were closely watched since you showed little concern for your work and could not be trusted. It also stated that you presented a surly disposition and seemed to resent authority. There is also another administrative remarks entry which states that you were not recommended for reenlistment due to your low average of evaluation marks.

On 30 March 1961 you were released from active duty and transferred to the Naval Reserve under honorable conditions. On 28 May 1963, at the expiration of your enlistment, you were issued a general discharge.

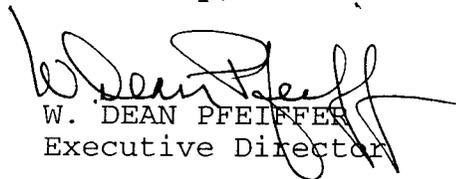
Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.93. An average of 3.0 in conduct was required at the time of your discharge for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge to honorable. It also considered your assertion of the events that occurred prior to your release from the Navy. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct, which result in NJP, derogatory administrative remark entries, and since your conduct average was insufficiently high to warrant a fully honorable discharge. Finally, there is no evidence in the record, and you submitted none, to support your assertion. 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