



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

TJR
Docket No: 870-08
4 December 2008

[REDACTED]

[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 2 December 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 Naval Reserve on 5 April 1981 at age 19 and served for about four months without disciplinary incident. However, during the period from 11 August to 13 October 1981, you received nonjudicial punishment (NJP) on three occasions for three periods of unauthorized absence (UA) totalling 19 days, two specifications of disobedience, and two periods of absence from your appointed place of duty. On 2 November 1981 you began another period of UA that was not terminated until 1 December 1981, at which time you were convicted by civil authorities of simple assault. You were sentenced to confinement for 30 days and ordered to pay a \$100 fine.

Subsequently, you were processed for an administrative separation by reason of convenience of the government due to an inability to adapt to military service, substandard performance, and being a burden to the command. The discharge authority directed discharge under honorable conditions, and on 26 January 1982 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 2.0. 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 desire to upgrade the characterization of your discharge. It also considered your assertions of threats and harassment by senior personnel and being portrayed as a trouble-maker. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your disciplinary infractions which resulted in three NJPs and a conviction by civil authorities, and since your conduct average was insufficiently high to warrant an honorable discharge. Finally, there is no evidence in the record, and you submitted none, to support your assertions. 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