



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

SMS  
Docket No: 3093-08  
11 December 2008

[REDACTED]

[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 10 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 14 November 1966, you enlisted in the Navy at age 19. On 3 February 1968, you had nonjudicial punishment for a five day period of unauthorized absence (UA). During the period 18 February to 8 May 1969, you were in a UA status on three occasions totaling about 77 days. On 19 May 1969, you were counseled regarding deficiencies in your performance and conduct and warned that further infractions could result in administrative separation. During the period 18 July 1969 to 6 May 1970, you were in UA status on four occasions totaling about 271 days. On 4 June 1970, you were convicted by a special court-martial (SPCM) of six instances of UA totaling 343 days, missing the movement of your ship, and breaking restriction. Your sentence resulted in four months of confinement at hard labor. On 29 July 1970, a psychiatric evaluation diagnosed you as having an adult situational adjustment reaction and recommended that you be discharged if you did not adapt. On 12 August 1970, while in confinement, you attempted suicide and were crying hysterically which resulted in your admission to a hospital for evaluation. A psychiatric evaluation subsequently diagnosed you as having an immature personality and recommended discharge due to unsuitability.

On 17 August 1970, your commanding officer initiated administrative separation by reason of unsuitability due to having an immature

personality. In connection with this processing, you acknowledged that your characterization of service would be determined as warranted by your service record. On 11 September 1970, the separation authority approved the discharge recommendation and directed discharge by reason of unsuitability, and further directed that your characterization of service be determined as warranted by your service record. On 17 September 1970, you were separated with a general discharge by reason of unsuitability.

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 that the officers in charge of your court-martial were racist. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your overall service record. In this regard, characterization of service is determined by a service member's conduct, actions, and overall trait and military behavior marks assigned on a periodic basis. Minimum acceptable overall trait and military behavior mark averages of 2.7 and 3.0, respectively, were required to form the basis for a fully honorable characterization of service. Your overall trait and military behavior mark averages were 3.43 and 2.96, respectively. Given your disciplinary actions that included a court-martial conviction, UA's that totaled more than 11 months, failure to attain the military behavior mark average required for a fully honorable characterization of service, and since you have been treated no differently than others in your situation, the Board found that your characterization of service was proper as issued. Regarding your contention, there is no evidence in the record to support it. Further, the Board noted that your SPCM sentence could have included a bad conduct discharge and that you were fortunate that your sentence only included confinement at hard labor. 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