



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

SJN
Docket No: 00907-09
4 November 2009



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 3 November 2009. 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.

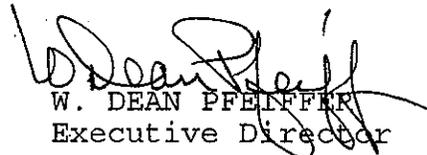
You enlisted in the Navy and began a period of active duty on 28 March 1961 at age 17. On 16 September 1961 and 23 November 1962, you were convicted by summary court-martial (SCM) of two periods of unauthorized absence (UA) totaling 15 days and missing movement. On 9 August 1963, you were convicted by special court-martial (SPCM) of 26 days of UA and missing movement. You were sentenced to restriction, a forfeiture of pay, and a reduction in paygrade. You remained on active duty until 17 April 1964, when you were released under honorable conditions at the expiration of your enlistment and transferred to the Navy Inactive Reserve. At that time, you were not recommended for retention due to your misconduct and low performance marks. On 18 May 1967, you were discharged at the completion of your military obligation based on your conduct and proficiency marks.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.8. At the time of your service, a conduct average of 3.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and belief that your characterization of service would be upgraded after completion of your required reserve time. Nevertheless, the Board concluded these factors were not sufficient to warrant upgrading your discharge given your two SCM's, conviction by SPCM, and failure to attain the required average in conduct. Finally, you are advised that there is no provision in law or Navy regulations that allow for recharacterization automatically after a period of time or due solely to the passage of time. 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