



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

TJR  
Docket No: 12366-09  
16 September 2010

[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 14 September 2010. The names and votes of the members of the panel will be furnished upon request. 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 8 October 1956 at age 17. You served for about four months without disciplinary incident, but on 26 February 1957, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status. On 25 September 1957 you were convicted by summary court-martial (SCM) of a four day period of UA and two specifications of failure to obey a lawful order. You were sentenced to restriction for 10 days, a \$30 forfeiture of pay, and confinement at hard labor for five months. On 12 June 1958 you received NJP for absence from your appointed place of duty.

On 6 August 1960 you were convicted by SCM of disrespect and failure to obey a lawful order. You were sentenced to confinement at hard labor for 20 days, a \$60 forfeiture of pay, and reduction to seaman apprentice, which was suspended for six months. Subsequently, on 28 October 1960 and upon completion of

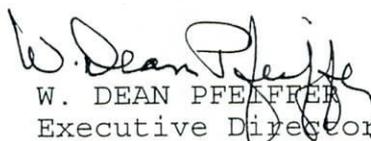
your required active service, you were released from active duty under honorable conditions and transferred to the Navy Inactive Reserve. On 1 November 1962, at the expiration of your enlistment, you were issued a general discharge.

At the time of your release from active duty and discharge, character of service was based, in part, on conduct and overall trait averages which were computed from marks assigned during periodic evaluations. Your conduct average was 2.9, however, an average of 3.0 in conduct was required 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 change the characterization of your discharge. It also considered your assertion that you were deliberately assigned low averages because of your refusal to take an advancement test. Nevertheless, the Board concluded these factors were not sufficient to warrant relief because of your repetitive misconduct, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

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