



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

TAL
Docket No: 13120-09
30 August 2010

[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 25 August 2010. 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 11 January 1965 at age 18. At the time of your enlistment you had completed nine years of formal education. Your general classification test (GCT) score was 37 which put you in Mental Group IV. You served on active duty for a period of 1 year 9 months and 16 days. You received nonjudicial punishment (NJP) on four occasions for assault, two instances of dereliction of duty, insubordinate conduct and unauthorized absence (UA) from your unit for a period of two days. You were notified of pending administrative discharge processing for the convenience of the government. On 28 October 1966 your commanding officer approved and directed your separation due to convenience of the government with the type of discharge warranted by the service record. You were discharged under general conditions based on your conduct mark average.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.2. 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 entire record and application, carefully weighed all potentially mitigating factors, such as your youth, immaturity, limited education and low test scores. Nevertheless, the Board concluded these factors were not sufficient to warrant upgrading your discharge given the four NJPs and since your conduct average was insufficiently high to warrant an honorable discharge. Concerning your assertion of racial prejudice, there is no indication in the record that such problems, if they existed at the time of your service, were so serious as to excuse you of responsibility for your actions or were sufficiently mitigating to warrant recharacterization. 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