



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 00985-12
5 December 2012

[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 4 December 2012. 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 2 July 1979. During the period from 12 September 1979 to 18 September 1980, you received five nonjudicial punishments (NJP's) for disrespect, two instances of assault, disobedience, sleeping on watch, and wrongful possession and use of marijuana. On 31 December 1980, your commanding officer forwarded a recommendation to separate you from the naval service due to your diagnosed chronic motion sickness. On 13 February 1981, the separation authority determined that your request was not appropriate and directed that you be assigned a limited duty designator or shore duty. On 4 March 1981, you received a sixth NJP for an unknown offense. Subsequently, administrative discharge action was initiated by reason of convenience of the government due to minor disciplinary infractions. After being afforded all of your procedural rights, your case was forwarded recommending that you be discharged under honorable conditions. The separation authority concurred and directed a general discharge. On 31 January 1982, you were separated with a general discharge by reason of convenience of the government due to your substandard performance.

Characterization of service is based in part on conduct marks assigned on a periodic basis. Your conduct average was 2.3. 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 and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your record of six NJP's and failure to attain the required average in conduct. 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