



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3242-99

31 August 1999

Dear [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 24 August 1999. 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.

The Board found that you enlisted in the Navy on 19 November 1951 at age 17. You completed initial training and on 3 March 1952 you reported to your first duty station. During the period 11 March 1952 to 25 August 1953, you received nonjudicial punishment on five occasions and were convicted by a summary court-martial and two special courts-martial. Your offenses were four periods of unauthorized absence totaling about 10 days, absence from your place of duty, breaking arrest, wrongful possession of identification and liberty cards, drunkenness in public, disorderly conduct, use of profane language to a sentinel and being out of uniform.

During the period from 26 August 1953 until your release from active duty on 29 September 1955, you had no further disciplinary record. You were released from active duty on 29 September 1955. At that time your service should have been characterized as being under honorable conditions. However, the DD Form 214 shows a characterization of service as honorable. You were subsequently

issued a general discharge at the end of your military obligation.

Character of service when an individual is released from active duty is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct mark average was 2.3. A minimum average mark of 3.25 was required at the time of your separation for a fully honorable characterization of service. In addition, regulations in effect at the time of your service precluded the issuance of an honorable discharge to an individual convicted by two or more special courts-martial.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education, your last two years of good service, and your claim that you are now a recovering alcoholic and have been a good citizen for many years. The Board also considered your contentions that personal problems and alcohol abuse led to your misconduct while you were in the Navy. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your extensive record of misconduct, which included two special court-martial convictions, and your failure to achieve the required average mark in conduct. There is no evidence in the record, and you have submitted none, to support any of your claims or contentions. However, the Board believed that your final two years of good service showed that none of your problems were very serious and you were capable of being a good sailor. The Board also believed that you were fortunate to have a characterization of service of honorable instead of under honorable conditions on your DD Form 214 when you were released from active duty. The Board concluded that the general discharge issued at the end of your military obligation 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