



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

TJR
Docket No: 4467-01
19 December 2001

[REDACTED]

Dear [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 11 December 2001. 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.

The Board found you enlisted in the Navy on 9 April 1957 at the age of 17. Your record reflects that you served for a year and two months without disciplinary incident but on 17 June 1958 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and failure to obey a lawful order. The punishment imposed was extra duty for 10 days.

On 5 April 1960 you received NJP for failure to obey a lawful order, being out of uniform, and improperly filling out a trip sheet. The punishment imposed was extra duty for two weeks. Your record also contains an administrative remarks (page 13) entry dated 16 May 1960 which states, in part, as follows:

(Member's) constant indifference to any task assigned and his continued disregard for military rules and regulations make him a positive discredit to the Naval Service.

Your record further reflects that on 14 February 1961 you received your third NJP for gambling aboard your ship and were awarded extra duty for two weeks. Two weeks later, on 28 February 1961, you were released from active duty and transferred to the Naval Reserve under honorable conditions. On 8 April 1963, at the expiration of your obligated service, you were issued an honorable discharge certificate.

Characterization of service was based, in part, on conduct and performance averages which were computed from marks assigned during periodic evaluations. An average of 3.0 in conduct was required at the time of your service for a fully honorable characterization of service. Your conduct average was 2.8.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and good post service conduct. The Board also considered your letters of recommendation. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your service because of your repetitive misconduct, and since your conduct average was insufficiently high to warrant a fully honorable discharge. Further, the Board noted that you were erroneously issued an honorable discharge certificate at the expiration of your enlistment and concluded that a change in the characterization of your release from active duty would only compound the error. Given all the circumstances of your case, the Board concluded the characterization of your release from active duty was proper 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