



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

TJR
Docket No: 4674-01
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 reenlisted in the Navy on 18 October 1957 after three years of prior honorable service. Your record reflects that you continued to serve without disciplinary incident for two years and four months. However, on 14 February 1961, you received nonjudicial punishment (NJP) for gambling aboard your ship and were awarded a reduction in rate. On 16 November 1961 you received counselling regarding your failure to pay just debts.

Your record contains two administrative remarks (page 11) entries dated 22 April and 16 May 1965 which indicate that you received counselling regarding your failure to pay just debts.

Your record further reflects that on 4 June 1965 you received NJP for failure to obey a lawful order and were awarded a suspended reduction in rate. On 1 December 1965 you received your third NJP for absence from your appointed place of duty and were awarded a reduction in rate.

On 14 February 1966 you acknowledged that you were not recommended for reenlistment due to poor performance, as evidenced by your receiving two NJPs within an eight month period and your failure to pay just debts. The page 11 entry noted, in part, as follows:

(Member) not recommended for reenlistment. (He) has displayed very poor performance and shows very little, if any potential for further useful and responsible service. This is demonstrated by the fact the (he) has had two CO NJPs within the past 8 months. In addition, (he) has continually displayed unreliability due to failure to pay just debts, even after considerable counselling.

On 17 February 1966, at the expiration of your enlistment, you were issued a general discharge. At that time your conduct average was 2.9.

Character 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.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, post service conduct, and your contention that the general discharge was unjust and too severe as punishment for your failure to obey an order. The Board also considered the letter of recommendation provided in support of your case. However, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your service because of your repetitive misconduct, which resulted in three NJPs and frequent counselling, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Given all the circumstances of your case, the Board concluded your discharge 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