



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

CRS
Docket No: 1073-02
19 December 2002

[REDACTED]

[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 2002. 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 30 January 1957. The record reflects that on 5 September 1958 you were convicted by civil authorities of contributing to the delinquency of a minor. The court sentenced you to probation for three years. Subsequently, you received three nonjudicial punishments and were convicted by two summary courts-martial. The offenses included unauthorized absences totalling six days, being on liberty with no liberty card on two occasions, drinking as a minor, being out of uniform, stealing eight liberty cards, using a false liberty card, and absence from your appointed place of duty. On 21 October 1958 your final physical examination found that you had no complaints and were qualified for separation. On 24 October 1958 you received a general discharge by reason of unsuitability.

Character of service is based, in part, on one's conduct and overall trait averages, both of which are computed from marks assigned during periodic evaluations. Your conduct and overall trait averages were 2.66 and 2.80, respectively. A minimum

average conduct mark of 3.0 was required for a fully honorable characterization of service at the time of your separation.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge given your five disciplinary actions and since your conduct average was insufficiently high to warrant a fully honorable discharge. The Board considered your contention that your ability to serve was impaired by mental anguish, but you have submitted no evidence in support of this contention, and the separation physical examination indicates that you had no physical or mental problems. 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