



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

ELP  
Docket No. 7314-00  
6 April 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 for the Board for Correction of Navy Records, sitting in executive session, considered your application on 4 April 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 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 15 May 1969 for two years at age 18. At the time of your enlistment, you had completed 10 years of formal education and attained test scores which placed you in Mental Group III.

The record reflects that you were advanced to FA (E-2) and served for seven months without incident. However, during the nine month period from December 1969 to August 1970 you received four nonjudicial punishments (NJP) for bringing discredit upon the armed forces, a 31-hour period of unauthorized absence, disobedience of an order and assault.

Incident to your discharge, you were not recommended for reenlistment due to your belligerent attitude, careless work habits, and poor appearance. On 24 August 1970, you received a general discharge by reason of "Non-Potential Petty Officer Material, Low GCT or Limited Education." The discharge processing documentation is not on file in the record.

Regulations in effect at the time provided for the discharge of individuals serving in pay grade E-3 and below who were a burden to the command due to substandard performance or an inability to adapt to military service provided they had a tenth grade education or less, test scores of 41 or less, or were not petty officer material, and had performance marks below the minimum required for an honorable discharge.

Character of service is based, in part, on military behavior and overall trait averages which are computed from marks assigned during periodic evaluations. Your military behavior and overall trait averages were 2.8 and 2.93, respectively. At the time of your discharge, a minimum average mark of 3.0 was required in military behavior for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been more than 30 years since you were discharged. Your contentions that your behavior and performance were good and that use of drugs and alcohol impaired your ability to serve is neither supported by the evidence of record nor by any evidence submitted in support of your application. The Board concluded that the foregoing factors and contentions were insufficient to warrant recharacterization of your discharge given your record of four NJPs in only 15 months of service and the fact that you failed to achieve the required average in military behavior. The Board noted the discharge processing documentation is not on file in the record. Absent this documentation, a presumption exists that the action taken by the Navy action to discharge you was both appropriate and 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