



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

TJR
Docket No: 8190-01
24 May 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 20 May 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 30 September 1974 at the age of 17. Your record reflects that on 9 April 1975 you received nonjudicial punishment (NJP) for failure to obey a lawful order and were awarded a \$50 forfeiture of pay and reduction to paygrade E-1.

On 17 February 1976 you received NJP for an 89 day period of unauthorized absence (UA) and failure to obey a lawful order. The punishment imposed was restriction and extra duty for 30 days, a \$300 forfeiture of pay, and reduction to paygrade E-1. On 19 February 1976 you were notified of pending administrative separation action by reason of unsuitability due to apathy and a defective attitude. After consulting with legal counsel, you submitted a written statement in which you stated that you wanted to be discharged. Subsequently, the discharge authority directed a general discharge by reason of unsuitability, and on 23 February 1976, you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during

periodic evaluations. Your conduct average was 2.74. An average of 3.0 in conduct was required at the time of your separation 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 youth and immaturity and post service conduct. However, the Board concluded these factors were not sufficient to warrant a change in the characterization of your service because of your misconduct, which included a lengthy period of UA, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. 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