



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

TJR  
Docket No: 8750-02  
20 June 2002



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 18 June 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 29 August 1977 at the age of 18. On 13 October 1978 you received nonjudicial punishment (NJP) for three periods of absence from your appointed place of duty, disrespect, and disobedience. The punishment imposed was correctional custody for 30 days and a \$440 forfeiture of pay.

On 20 October 1978 you were notified of pending administrative separation action by reason of convenience of the government due to below average performance ratings and inability to meet effectiveness standards. After consulting with legal counsel, you did not object to the discharge and you waived your right to submit a statement in rebuttal to the separation. On 14 December 1978 you were assigned adverse marks of 1.0 in the marking categories of professional performance, military behavior, and adaptability, and an adverse mark of 2.6 in the category of military appearance. The reporting senior stated, in part, that your performance was completely substandard, you were belligerent and refused to obey orders, you adversely affected morale, and you disappeared from your work sites. On 20 December 1978 your commanding officer recommended separation by reason of

convenience of the government due to below average performance, inability to meet effectiveness standards, and failure to carry out the smallest task.

On 2 April 1979 an enlisted performance evaluation board recommended separation with a characterization of service as warranted by your service record. Subsequently, the discharge authority directed your commanding officer to issue you a general discharge and on 6 April 1979 were so discharged.

Character of service is based, in part, on conduct and overall traits averages which are computed from marks assigned during periodic evaluations. Your conduct and overall traits averages were 2.1 and 2.5, respectively. Average marks of 3.0 in conduct and 2.7 in overall traits were 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 considered all mitigating factors, such as your youth and immaturity, and your contentions that you were voluntarily discharged and that your general discharge has become an obstacle for possible employment. Nevertheless, the Board found the evidence and materials submitted were not sufficient to warrant recharacterization of your discharge because of your substandard performance, misconduct which resulted in a NJP, and since your conduct and overall traits averages were insufficiently high to warrant an honorable discharge. 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