



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

TJR
Docket No: 7139-00
28 March 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 21 March 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 enlisted in the Navy on 10 September 1979 at the age of 18. Your record reflects that you served for a year and seven months without disciplinary incident but on 14 April 1981 you received nonjudicial punishment (NJP) for assault and were awarded a \$150 forfeiture of pay. On 16 July 1982 you received NJP for absence from your appointed place of duty and dereliction in the performance of your duties. The punishment imposed was restriction and extra duty for 10 days and a \$75 forfeiture of pay.

Your record further reflects that on 1 March 1983 you were convicted by special court-martial (SPCM) of four incidents of failure to go to your appointed place of duty, three incidents of disobedience, dereliction in the performance of your duties, making a false official statement, and using indecent language. You were sentenced to confinement at hard labor for 45 days and a \$760 forfeiture of pay. On 10 June and again on 3 October 1983 you received your NJP for two incidents of using provoking speech.

On 1 November 1984 you were released from active duty under honorable conditions and transferred to the Naval Reserve. At that time your conduct average was 2.64. On 13 October 1985, at the expiration of your military obligation, you were issued a general discharge certificate.

Character of service is based, in part, on conduct and overall trait averages which are 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 youth and immaturity and your contention that you served for over five years and deserve an honorable discharge. However, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your service because of your frequent misconduct, which resulted in five disciplinary actions, and since your conduct average was insufficiently high to warrant an honorable discharge. 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