



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

TJR  
Docket No: 2838-07  
24 January 2008

[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 23 January 2008. 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 13 May 1963 at age 17 and served without disciplinary incident until 21 January 1964, when you received nonjudicial punishment (NJP) for being insolent and insubordination. The punishment imposed was restriction and extra duty for seven days and a \$20 forfeiture of pay. About six months later, on 5 June 1964, you received NJP for disrespect and were awarded restriction for 14 days. On that same day you broke restriction and began a period of unauthorized absence (UA) that was not terminated until 16 August 1964.

On 26 August 1964, after undergoing a psychiatric evaluation, you were diagnosed with a passive aggressive personality disorder and strongly recommended for an administrative separation. The next day, on 27 August 1964, you were convicted by special court-martial (SPCM) of a 72 day period of UA and breaking restriction. You were sentenced to confinement at hard labor for four months, a \$220 forfeiture of pay, and reduction to paygrade E-1.

Subsequently, you were notified of pending administrative separation action by reason of unsuitability due to the diagnosed personality disorder. At that time you waived your right to submit a statement of rebuttal to the discharge and stated, in part, that you wanted to be discharged. On 25 September 1964 your commanding officer recommended discharge under honorable conditions by reason of unsuitability. On 2 October 1964 the discharge authority approved this recommendation and directed separation under honorable conditions by reason of unsuitability, and on 11 December 1964 you were issued a general discharge.

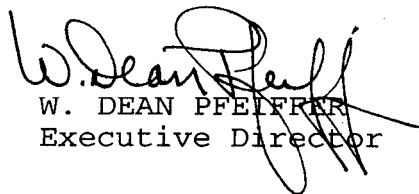
Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.0. An average of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge so that you may obtain employment. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in two NJPs, and since your conduct average was 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