



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

TJR
Docket No: 10975-10
20 July 2011

[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 19 July 2011. The names and votes of the members of the panel will be furnished upon request. 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 20 February 1967 at age 18 and served for nearly a year without disciplinary incident. However, on 9 February 1968, you were convicted by summary court-martial (SCM) of theft of \$13. You were sentenced to a \$50 forfeiture of pay, confinement at hard labor for 30 days, and reduction to paygrade E-1.

During the period from 26 August 1969 to 1 September 1970 you were repeatedly counselled and received adverse marks because of your substandard performance and appearance.

Subsequently, on 2 November 1970, you were released from active duty under honorable conditions and transferred to the Navy Reserve. On 19 March 1973, at the expiration of your enlistment, you were issued a general discharge. At the time of your discharge, character of service was based, in part, on conduct

and overall trait averages which were computed from marks assigned during periodic evaluations. Your conduct average was 2.0. However, an average of 3.0 in conduct was required at the time of your discharge 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. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct, which resulted in a SCM and repeated counselling, and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Finally, Sailors with a record of misconduct and substandard performance, such as yours, normally receive discharges under other than honorable conditions, and as such, the Board noted that you were fortunate to receive a general characterization of service. Accordingly, your application has been denied.

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