



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 3874-99

17 September 1999

[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 15 September 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 5 February 1971 for two years at age 19. The record reflects that you served for only five months without incident. During the 15 month period from July to October 1972 you received four nonjudicial punishments (NJP) for three brief periods of unauthorized absence (UA) of less than a day and a 50 day period of UA. As a result of your fourth NJP you were reduced in rate to FA.

The Naval Occupation/training and Awards History (page 4) on file in your service record is incomplete and contains no evidence that you completed HT "A" school or that you were authorized to wear the "HT" striker designation.

The record further reflects that served without further incident but were not recommended for reenlistment due to low average marks in military behavior. You were released from active duty under honorable conditions on 23 January 1973, transferred to the Naval Reserve, and assigned an RE-4 reenlistment code. You

received a general discharge upon completion of your service obligation on 22 March 1977.

Character of service is based, in part, on military behavior and overall traits averages which are computed from marks assigned during periodic evaluations. Your military behavior and overall trait averages were both 2.8. At the time of your discharge, a minimum average mark of 3.0 in military behavior was required for a fully honorable characterization of service.

In its review of your application, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and the fact that it has been more than 26 years since you were discharged. The Board noted your contention that your DD Form 214 does not reflect that you were an HTFA or the Navy "E" ribbon and other unit awards to which your ship was entitled. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your record of four NJPs and failure to achieve the required average in military behavior. You have provided no evidence in support of your contention that you were authorized to wear the HT rating designation. Regulations require the assignment of an RE-4 reenlistment code to individuals not recommended for reenlistment. The Board believed that four NJPs in two years of service and a 2.8 average in military behavior provided sufficient justification to warrant a non-recommendation for reenlistment and assignment of an RE-4 reenlistment code. The Board concluded that the discharge and reenlistment code were 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.

Corrections to blocks 5A (Rate or Rank) and 24 (Decorations, Medals and Ribbons) of your DD Form 214 are administrative corrections which do not require action by the Board. A request for correction of these blocks may be submitted to the custodian of your record, the National Personnel Records Center (NPRC), Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. However, you must provide evidence that you were authorized to wear the HT rating designation. NPRC maintains a listing of the citations and ribbons awarded to ships and units. You should allow at least 120 days for your records to be returned to the NPRC before submitting any 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