



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

TJR  
Docket No: 226-01  
28 June 2001

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 26 June 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, and applicable statutes, regulations, and policies. The Board was unable to obtain your service record and conducted its review based on the documentation submitted with your application.

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 26 March 1981 at the age of 18. Your record reflects that you served for nearly two years without disciplinary incident but on 21 January 1983 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded extra duty and restriction for 10 days. On 1 February 1983 you received NJP for failure to obey a lawful order, using provoking speech/gestures, and breaking restriction. The punishment imposed was correctional custody for 30 days. On 18 March 1983 you received your third NJP for absence from your appointed place of duty and were awarded restriction and extra duty for seven days.

On 22 March 1983 you were notified of pending administrative separation action under the provisions of Project Upgrade, by reason of misconduct due to minor disciplinary infractions. You then waived your rights to consult with legal counsel and to submit a statement in rebuttal to the discharge. The commanding

officer recommended a general discharge by reason of misconduct. However, the discharge authority directed a general discharge by reason of convenience of the government due to Project Upgrade, and on 29 March 1983 you were so discharged. At that time your conduct average was 2.7.

Character of service was based, in part, on conduct and overall trait averages which were 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, in accordance with the guidelines of Project Upgrade, you were to receive a fully honorable discharge six months after your separation providing you were not involved in any further disciplinary infractions. 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 three disciplinary actions, and since your conduct average was insufficiently high to warrant an honorable discharge. Further, there is no evidence in the record to support your contention, and no discharge is upgraded merely because of the passage of time. 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