



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

WMP

Docket No: 4718-02

12 November 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 6 November 2002. 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 4 December 1963 for four years at age 18. The record reflects that you served without incident until 27 January 1964, when you received nonjudicial punishment (NJP) for writing obscene literature. The punishment imposed was five days of correctional custody and a forfeiture of \$20. The record further shows that on 3 April 1964 that you received NJP for failure to obey a lawful regulation. The punishment imposed was a forfeiture of \$20.

On 30 June 1965 you received NJP for assault and failure to go to your appointed place of duty. The punishment imposed was 30 days of restriction and extra duty. On 28 July 1965 you received NJP for being out of uniform in a public place. The punishment imposed was 30 days of extra duty. On 31 May 1966

you received NJP for disobeying a lawful order. The punishment imposed was 14 days of restriction and extra duty.

The record further reflects that you were released from active duty and transferred to the Naval Reserve under honorable conditions and assigned an RE-1 reenlistment code. You received your general discharge from the Naval Reserve on 3 December 1969.

Characterization of service is based, in part, on conduct and proficiency averages, which are computed from marks assigned on a periodic basis. Your conduct and overall traits averages were 2.88 and 3.09, respectively. At the time of your service, an individual was required to attain averages of 3.00 in conduct and 2.70 in overall traits in order to receive 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 your current medical condition. However, the Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of five NJP's and your failure to achieve the required average in conduct. 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