DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

TJR
Docket No: 3148-00
1 November 2000

[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 24 October 2000. 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.

The Board found you enlisted in the Navy on 30 March 1962 at the age of 18. Your record reflects that you served for two years and two months without disciplinary infractions, but on 30 March 1964 you were convicted by summary court-martial (SCM) of a six day period of unauthorized absence (UA) and sentenced to confinement at hard labor for 14 days. Shortly thereafter, on 18 May 1964, you were convicted by SCM of a 14 day period of UA. You were sentenced to hard labor for 15 days and restriction for 40 days. On 10 November 1964 you were convicted by special court-martial (SPCM) of a 45 day period of UA. You were sentenced to confinement at hard labor for 45 days and a $25 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of convenience of the government due to your lack of potential to become a petty officer. The discharge authority directed your commanding officer to issue you a general discharge under honorable conditions by reason of convenience of the government, and on 18 December 1964 you were so discharged.

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 2.3. 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 immaturity and your contention that you wanted to remain in the Navy and were not informed that your legal counsel had requested a discharge in your behalf. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given your frequent and lengthy periods of UA, which resulted in three court-martial convictions. The Board also noted that your conduct average was insufficiently high to warrant a fully honorable characterization of service. Further, there is no evidence in the record and you submitted none, to support your contentions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued 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