



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

TRG
Docket No: 1271-99
15 July 1999

[REDACTED]

Dear [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 13 July 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 Naval Reserve on 15 December 1979 at age 18. On 17 June 1980 you reported for three years of active duty. The record shows that you received nonjudicial punishment on two occasions for two instances of disobedience and an absence from your place of duty. In addition, you were counseled on two occasions concerning averse performance evaluations. You were released from active duty on 16 June 1983 with your service characterized as being under honorable conditions. Subsequently, you were issued a general discharge at the expiration of your military obligation.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct and overall trait averages were 2.9 and 2.88, respectively. A minimum average mark of 3.0 in conduct was required at the time of your separation 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 your desire for a change in your record so that you can receive

veterans' benefits. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your disciplinary record and failure to achieve the required average mark in conduct. The Board was aware that you completed three years of active service and are eligible for benefits administered by the Department of Veterans Affairs (DVA). However, the decision to grant a specific benefit is a matter within the discretion of the DVA. The Board concluded that the character of your service 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