



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 7990-98

18 March 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 16 March 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 27 March 1978 at age 26. The record shows that you served without incident until 7 January 1979. On that date you began a period of unauthorized absence which lasted until you surrendered on 16 October 1979, a period of about 282 days. A summary court-martial convened on 27 November 1979 and convicted you of the 282 day period of absence. The court sentence you to reduction to pay grade E-1, forfeiture of \$200, and confinement at hard labor for 20 days. In connection with the court-martial, you were assigned a mark of 1.0 in military behavior (conduct).

On 13 December 1979 you were notified of discharge processing by reason of unsuitability due to apathy, defective attitude and inability to expend effort effectively. You were issued a general discharge on 21 December 1979.

When an individual was discharged due to unsuitability, character service, was based, in part, on conduct and overall trait averages computed from marks assigned during periodic evaluations. Your conduct mark average was 2.4. 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 the documentation which shows that you were unsuitable for service. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given the lengthy period of unauthorized absence and your failure to achieve the required average mark in conduct. The Board concluded that the 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