



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

TJR  
Docket No: 3354-01  
9 November 2001

[REDACTED]

[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 6 November 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, 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 22 April 1977 at the age of 19. Your record reflects that you served for nine months without disciplinary incident, but during the period from 28 January to 7 September 1978 you received nonjudicial punishment (NJP) on four occasions for breach of peace, four periods of absence from your appointed place of duty, five specifications of failure to obey a lawful order, seven specifications of failure to go to your appointed place of duty, disobedience, and dereliction in the performance of your duties.

Your record further reflects that on 3 January 1980 you were convicted by summary court-martial (SCM) of larceny and sentenced to confinement at hard labor for 30 days. On 23 June 1980 you received NJP for two specifications of wrongful possession of identifications cards and larceny. The punishment imposed was a \$200 forfeiture of pay and restriction and extra duty for 45 days. You received NJP on 27 August 1980 for possession of marijuana and were awarded a \$440 forfeiture of pay and extra duty and restriction for 45 days. On 10 November 1980 you

received your seventh NJP for a five day period of unauthorized absence (UA) and failure to obey a lawful order. The punishment imposed was restriction and extra duty for 45 days.

Subsequently, on 7 April 1981, you were released from active duty and transferred to the Naval Reserve under honorable conditions. At that time your conduct average was 2.71. At the expiration of your obligated service, you were issued a general discharge.

Character of service was based, in part, on conduct and performance 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 contentions that the charges against you were unjust, and that you did not fully understand the outcome of your discharge. However, the Board concluded these factors and contentions were not sufficient to warrant a change in the characterization of your service because of your repetitive misconduct, which resulted in seven NJPs and a court-martial conviction, and since your conduct average was insufficiently high to warrant an honorable discharge. 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