



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

WMP

Docket No: 8270-01

10 May 2002



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 8 May 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.

You enlisted in the Navy on 30 December 1950 at age 18 under the provisions of a minority enlistment. The record reflects that you served for nearly nine months without incident. However, during the 25 month period from September 1951 to October 1953 you received four nonjudicial punishments (NJP) and were convicted by three summary and two special courts martial. Your offenses consisted of three periods of unauthorized absence (UA) totally about 20 days, two instances of failure to go to your appointed place of duty, two instances of dereliction in the performance of your duties, two instances of failure to obey a lawful general regulation, conduct to the prejudice of good order and discipline, failure to obey a lawful order, breaking restriction, and resisting apprehension.

The record further reflects that you were discharged by the convenience of the government under honorable conditions on 18 January 1954 prior to your 21st birthday.

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 proficiency average, were 2.15 and 2.50, respectively. At the time of your service, an individual was required to attain averages of 3.25 in conduct and 2.75 in proficiency 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, limited education and the fact that it has been over 48 years since you were discharged. The Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of four NJP's, three summary and two special court martial convictions, and your failure to achieve the required average in conduct. Further, you failed to achieve the required average marks in conduct and proficiency. You have provided neither probative evidence nor a convincing argument in support of your application. 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