



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

TJR
Docket No: 8479-01
10 May 2002

[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 7 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 9 June 1966 at the age of 18. Approximately seven months later, on 19 January 1967, you received nonjudicial punishment (NJP) for an eight day period of unauthorized absence (UA) and were awarded restriction and extra duty for seven days and a \$23.45 forfeiture of pay. On 7 April 1967 you received NJP for a seven day period of UA and were awarded a \$48 forfeiture of pay and reduction to paygrade E-1.

Your record contains two citations which reflect that you were awarded the Navy Commendation Medal (NCM) with Combat "V" and the Navy Achievement Medal (NAM) with Combat "V" for heroic action and meritorious achievement in 1967 while serving in Vietnam.

Your record reflects that on 16 September 1968 you were convicted by special court-martial (SPCM) of a 32 day period of UA and were sentenced to a \$212 forfeiture of pay and hard labor for a month.

During the period from 5 March to 15 September 1969 you received NJP on three more occasions for wrongful appropriation of another persons property, breaking restriction, and absence from your

appointed place of duty. On 29 October 1969, after undergoing a psychiatric examination, you were diagnosed with a schizoid personality and recommended for an administrative separation. On 31 October 1969 you received your sixth NJP for three periods of UA totalling four days, absence from your appointed place of duty, feigning illness, and dishonorable indebtedness. The punishment imposed was restriction and extra duty for 30 days.

On 3 November 1969 you were notified of pending separation action by reason of unsuitability due to a character and behavior disorder, specifically, the diagnosed schizoid personality. Subsequently, your commanding officer recommended separation by reason of unsuitability. The commanding officer's recommendation also noted your six NJPs and SPCM, and stated that your military behavior was well below acceptable limits, but failed to mention the awards of the NCM and NAM. On 12 November 1969 the discharge authority directed separation with characterization of service as warranted by your service record. On 18 November 1969 you were issued a general discharge by reason of unsuitability.

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 2.90. 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, Vietnam service, the two personal decorations, and the Department of Veterans Affairs rating decision which reflects that you are now receiving treatment for post traumatic stress disorder (PTSD). The Board also considered your contention that since you honorably served your country in Vietnam and in the United States, your discharge should be upgraded to honorable. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in six NJPs and a court-martial conviction, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances in 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