



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

SMS
Docket No: 4617-08
12 February 2009

[REDACTED]

[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 11 February 2009. 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.

On 27 July 1976, you enlisted in the Navy at age 17 with parental consent. On 31 January 1977, you received a performance evaluation which stated that your performance was below average, you wandered away from your work area, and were argumentative and resentful. On 28 March and 21 April 1977, you had nonjudicial punishment. Your offenses included two instances of absence from your appointed place of duty, seven instances of disobedience of a lawful order, five instances of failure to go to your appointed place of duty, two instances of disrespect, use of provoking speech, and communicating a threat. On 5 May 1977, you received a performance evaluation which stated that you disregarded and were disrespectful of authority, and unfit for the naval service.

On 5 May 1977, your commanding officer initiated administrative separation by reason of convenience of the government due to substandard performance of duty and inability to adapt. In

connection with this processing, you acknowledged the separation action and that characterization of service would be determined as warranted by your service record. You also submitted a statement requesting retention. On 20 May 1977, the separation authority approved the recommendation and directed discharge by reason of convenience of the government due to substandard performance of duty and inability to adapt, and that your characterization of service would be determined as warranted by your service record. On 9 June 1967, you were separated with a general discharge by reason of convenience of the government due to substandard performance of duty and inability to adapt.


The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and desire for an honorable discharge. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your service. In this regard, characterization of service for members who are discharged by reason of convenience of the government is determined by their conduct, actions, and overall trait and behavior marks assigned on a periodic basis. Minimum acceptable overall trait and behavior marks of 2.7 and 3.0, respectively, were required to form the basis for a fully honorable characterization of service. Your overall trait and behavior mark averages were 2.02 and 1.9, respectively. Given your misconduct and failure to attain the overall trait and behavior mark averages required for a fully honorable characterization of discharge, the Board found that your service warranted a general characterization of discharge. Therefore, 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.

The Board noted that as a result of your general characterization of service, you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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,

A handwritten signature in black ink, appearing to read "Robert D. Zsalmán". The signature is written in a cursive style with a large initial "R".

ROBERT D. ZSALMAN

Acting Executive Director