



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE ROAD  
ARLINGTON, VA 22204

SJN  
Docket No: 03076-11  
10 January 2012

[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 5 January 2012. 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.

You enlisted in the Navy and began active duty on 4 April 1972. The Board found that you received five nonjudicial punishments (NJP's) for two instances of disobedience, absence from your appointed place of duty, and two instances of wrongful possession of marijuana. You were also the subject of a psychiatric evaluation, which diagnosed a character and behavior disorder.

You were notified of pending administrative separation action by reason of convenience of the government due to the diagnosed character disorder. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. On 24 August 1973, the commanding general directed your separation by reason of unsuitability with a general discharge. You were so discharged on that same day.


Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 3.8. At the time of your service, a conduct average of 4.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, post service accomplishments, and contention that you were the victim of discriminatory treatment. Nevertheless, the Board found that these factors and contention were not sufficient to warrant a change in your characterization of service given your five NJP's, two of which involved the wrongful possession of marijuana, the diagnoses of a character and behavior disorder, and your failure to attain the conduct average required for an honorable discharge. Concerning your contention of discriminatory treatment, there is no evidence in the record to support it, and you submitted no such evidence. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

With regard to your paygrade, the record shows that on 19 July 1973, you received NJP for possession of marijuana. As part of your punishment, you received a reduction in paygrade from E-2 to E-1. You appealed that NJP and the reduction to paygrade E-2 was suspended for a period of six months on 17 August 1973. However, on 20 August 1973, prior to you receiving a second NJP for wrongful possession of marijuana, your commanding officer vacated the suspended reduction in paygrade to E-1 awarded on 19 July 1973 due to continued misconduct.

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