



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 3853-12
25 February 2013

[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 21 February 2013. 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 a period of active duty on 18 September 1969 at age 21. On 6 February 1970, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit for a period of two days. On 16 March 1970, you were assigned a mark of 2.6 in Military Behavior, on your enlisted performance record. Your commanding officer stated in part that you seemed unable to adapt to service life. You remained on active duty until 1 July 1971 when you were discharged under honorable conditions at the expiration of your enlistment.

Characterization of service is based in part on your conduct mark average computed from marks assigned on a periodic basis. Your conduct average was 2.9. At the time of your service, a conduct average of 3.00 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 and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in an NJP and failure to attain the required average in conduct. The Board noted that you were issued a Certificate of Discharge or Release from Active Duty (DD Form 214) with the characterization of service as "honorable". On 13 September 1974 you were issued a DD Form 215 which corrected the characterization of your service to "under honorable conditions". 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