



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

SJN
Docket No: 00114-13
17 October 2013

[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 16 October 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 16 August 1979. On 18 February 1981, you submitted a written request for an honorable discharge for the convenience of the government because of your religious beliefs. On 1 March 1981, you were the subject of a psychiatric evaluation, which diagnosed you with an obsessive compulsive personality with dependent tendencies. Additionally, you were found not to be mentally ill and responsible for your behavior. On 6 May 1981, you were convicted by summary court-martial (SCM) of disobedience. You received restriction and a forfeiture of pay. On 17 June 1981, you received nonjudicial punishment (NJP) for eight instances of disobedience. On 2 July 1981, your request for discharge was denied. However, on 9 July 1981, administrative separation action was initiated by reason of convenience of the government due to your diagnosed personality disorder. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. On 11 September 1981, the separation authority directed separation by reason of unsuitability. You received a general discharge on 18 September 1981.

Characterization of service is based in part on conduct marks assigned on a periodic basis. Your conduct average was 2.4. At the time of your service, a conduct average of 3.0 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, desire to change your discharge and contentions that you were the victim of prejudice and were treated disgracefully by your superiors and peers. Nevertheless, the Board found that these factors and contentions were not sufficient to warrant a change in your characterization of service given your SCM conviction, NJP, and failure to attain the required average in conduct. Concerning your contentions, there is no evidence in the record to support them, and you submitted no such evidence. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization of a discharge automatically after a few years or due solely to the passage of time. 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