



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

ELP  
Docket No. 6892-99  
24 September 1999

[REDACTED]

Dear [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 22 September 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy at age 17 on 28 December 1964 for a minority enlistment. At the time of your enlistment, you had completed nine years of formal education and achieved a general classification test (GCT) of 41 which placed you in mental group three. The record reflects that you were advanced to FA (E-2) and served for nearly six months without incident. However, during the eight month period from June 1965 to February 1966 you received three nonjudicial punishments (NJP) for fighting in the division compartment, an unspecified offense in violation of Article 134 of the Uniform Code of Military Justice, and two instances of assault. During this period, you also were authorized to wear the Vietnam Service Medal for service aboard the USS CARTER HALL.

The record further reflects that on 21 February 1966 you were not recommended for reenlistment since you had no potential for service as a petty officer and due to your frequent disciplinary actions. On 14 March 1966, you received a general discharge by reason of convenience of the government for "Other Good and

Sufficient Reasons When Determined by Proper Authority." The discharge processing documentation is not on file in the record.

Regulations provided that individuals discharged by reason of convenience of the government would receive the type of discharge warranted by the service record. Character of service is based, in part, on military behavior and overall traits averages which are computed from marks assigned during periodic evaluations. Your military behavior and overall trait averages were 2.50 and 2.85, respectively. A minimum average mark of 3.0 in military behavior was required for a fully honorable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and the fact that it has been more than 33 years since you were discharged. The Board noted your contention that you were discharged because of a racial fight in which you were defending yourself. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your record of three NJPs for fighting and two instances of assault. The Board believed that you were fortunate that the command did not process you for an undesirable discharge by reason of misconduct. Your contention implying that your offenses were the result of racial matters is neither supported by the evidence of record nor by any evidence submitted in support of your application. Absent evidence to the contrary, the Board concluded that your administrative discharge was accomplished in compliance with applicable regulations. There is no indication of procedural errors which would have jeopardized your rights. The Board concluded that the discharge was proper 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