



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

TRG
Docket No: 5179-99
4 November 1999

[REDACTED]

Dear [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 2 November 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 on 28 May 1956 at age 17. The record shows that you received nonjudicial punishment on four occasions. Your offenses were an unauthorized absence of about five hours and three instances of disobedience. Subsequently, the command determined that in accordance with a policy in effect at that time, you should be released from active duty because you were not considered to be petty officer material. You were released from active duty on 5 February 1958 with your service characterized as being under honorable conditions. You were issued a general discharge on 8 August 1962 at the end of your military obligation.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your average mark in conduct was 2.85. A minimum average mark of 3.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

On 14 October 1968 you enlisted in the Coast Guard Reserve and served in that component with only one short break in service

until 2 October 1985.

On 8 January 1986 you enlisted in the Naval Reserve and served in that component until you transferred to the Retired Reserve on 1 April 1993. You became 60 years of age on 19 May 1999 and are receiving your retired pay.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as the foregoing service in the Coast Guard Reserve and Naval Reserve. In addition the Board considered the documentation you submitted which shows that you were a Federal government employee for over 20 years and have now retired from the Federal service.

However, the Board found that these factors were not sufficient to warrant recharacterization of your release from active duty under honorable conditions on 5 February 1958, or to change the general discharge issued at the end of your military obligation. The Board believed that your record of four nonjudicial punishments in less than four months and your failure to achieve the required average mark in conduct were sufficient to support the current characterization of service. The Board concluded that you were fortunate to have a general discharge for that period of service 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