



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

TJR
Docket No: 10-99
15 July 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 7 July 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 17 May 1967 at the age of 17. Your record reflects that on 29 October 1967 you were convicted by civil authorities of driving without a license, altering a driver's license, and failure to stop at a stop sign. Your sentence was a \$50 fine. On 7 December 1967 you received nonjudicial punishment (NJP) for absence from your appointed place of duty. The punishment imposed was restriction and extra duty for 21 days.

Your record further reflects that during the period from 4 January to 16 April 1968 you received NJP on three occasions for absence from your appointed place of duty and three incidents of failure to obey a lawful order. On 25 June 1968 you were convicted by civil authorities of "trespassing less than larceny of an automobile" and fined \$50. Shortly thereafter, on 9 September 1968, you received NJP for a 21 day period of unauthorized absence (UA). The punishment imposed was extra duty and restriction for 45 days and reduction to paygrade E-2. The reduction was suspended for six months.

On 6 February 1969 you received your sixth NJP for driving under the influence, drunkenness in public, and wrongful appropriation of an automobile. The punishment imposed was reduction in paygrade to E-2 and restriction for 45 days. Subsequently, on 5 March 1969, you were notified of pending administrative separation action by reason of misconduct due to civil conviction. At this time you waived your rights to consult with legal counsel or to present your case to an administrative discharge board (ADB). On 4 March 1969 your commanding officer recommended that you be issued an undesirable discharge by reason of misconduct due to civil conviction. On 18 March 1969 the discharge authority approved the foregoing recommendation and on 24 March 1969 you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, Vietnam service, and your contention that you would like your discharge upgraded. The Board also considered your contention that you were not informed as to why you were discharged. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent misconduct in both the military and civilian communities. Given all the circumstances of your case, the Board concluded your 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