



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

TJR
Docket No: 32-99
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 2 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 3 August 1972 at the age of 17. Your record reflects that you served for a year and seven months without disciplinary incident but on 13 April 1974 you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. The punishment imposed was reduction to paygrade E-1 and forfeitures totalling \$100.

On 29 June 1973 you received NJP for five incidents of absence from your appointed place of duty. The punishment imposed was restriction and extra duty for 30 days and forfeitures totalling \$150. On 1 November 1973 you were convicted by special court-martial (SPCM) of wrongful appropriation. You were sentenced to confinement at hard labor for a month and forfeitures totalling \$200.

Your record further reflects that on 14 September 1974 you were convicted by general court-martial (GCM) of uttering 70 worthless checks, breaking restriction, and four periods of unauthorized absence (UA) totalling 186 days. You were sentenced to reduction to paygrade E-2, confinement at hard labor for a year, forfeiture

of all pay and allowances, and a dishonorable discharge (DD). A portion of the forfeitures was suspended for a year. Approximately six months later, on 23 April 1975, you received your third NJP for escaping confinement. The punishment imposed was extra duty for 45 days. The suspended sentence of 14 September 1974 was also vacated at this time.

On 6 February 1975 you submitted a written request for restoration to duty. However, the discharge authority denied your request. Subsequently, the findings and sentence of the GCM were reviewed and approved, and the DD was ordered executed. On 23 September 1978 you received the DD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct and since you were convicted by GCM of serious offenses. 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