



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 5760-98

25 March 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 17 March 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 reenlisted in the Navy on 4 January 1957 after more than three years of prior active service. Your record reflects that you received two nonjudicial punishments and were convicted by three special courts-martial. The offenses included unauthorized absences totalling 43 days, disobedience of a lawful order and disrespect.

On 11 December 1958 the commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness. After review by the discharge authority, the recommendation for separation was approved and you received an undesirable discharge on 20 January 1959.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that you were told that your discharge would change to honorable after ten years. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your frequent

involvement with military authorities. The Board especially noted the fact that you were the subject of five disciplinary actions within a period of about two years. Additionally, no law or regulation provides for the change of any discharge based solely on the passage of time. Therefore, the Board concluded that no change to the discharge 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

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