



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6531-99

18 February 2000

[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 15 February 2000. 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 5 November 1955 at age 18. On 8 November 1956 you were convicted by a special court-martial of an unauthorized absence of about 40 days. The sentence of the court included confinement at hard labor for five months. You were restored to duty on 6 March 1957. On 5 July 1957 you were convicted by another special court-martial of an unauthorized absence of about 43 days. The court sentenced you to reduction to pay grade E-1, forfeiture of \$54 pay per month for five months, confinement at hard labor for five months and a bad conduct discharge. The discharge was suspended for a probationary period of six months and you were restored to duty in November 1957. The record shows that you successfully completed the probationary period.

A general court-martial convened on 11 June 1959 and convicted you of an unauthorized absence of about 68 days and of desertion for a period of about 121 days. The court sentence you to reduction to pay grade E-1, forfeiture of all pay and allowances, confinement at hard labor for two years and a bad conduct discharge. The bad conduct discharge was issued on 20 May 1960.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education, low score on the aptitude test and your contention that your misconduct was caused by a death in the family. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated and lengthy periods of unauthorized absence and desertion. The Board was aware that you made no mention of a death in the family when you provided your version of events during the classification interview at the retraining command. The Board concluded that the discharge was proper as issued 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