



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

TRG
Docket No: 3204-02
11 September 2002

[REDACTED]

[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 10 September 2002. 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.

You enlisted in the Navy on 27 January 1960 at age 17. Prior to the offenses for which you received the bad conduct discharge, you were convicted by two summary courts-martial for dereliction in the performance of your duties and driving without a valid driver's license. Subsequently, there was a two day period of unauthorized absence for which there is no disciplinary action in the record.

A special court-martial convened on 10 April 1961 and convicted you of two periods of unauthorized absence totaling about 35 days. The court sentenced you to reduction to pay grade E-1, forfeiture of \$28 pay per month for two months, confinement at hard labor for two months and a bad conduct discharge. The discharge was suspended for a probationary period of six months and you were restored to duty on 31 May 1961. On 11 June 1961 you reported aboard the USS CORAL SEA (CV 43). On 15 July 1961 you received nonjudicial punishment for an absence from your appointed place of duty.

Subsequently, you were processed for an undesirable discharge by reason of unfitness. In connection with this processing, you

elected to waive your right to have your case heard by an administrative discharge board. On 20 July 1961 you received another nonjudicial punishment for an unauthorized absence of about 11 days, absence from your appointed place of duty and disobedience. About 20 days later, the discharge authority directed an undesirable discharge. However, you were then an unauthorized absentee for about 25 days. On 19 September 1961, your probation was terminated and the previously suspended bad conduct discharge was ordered executed. You received the bad conduct discharge on 6 October 1961.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and your contention, in effect, that you have been a good citizen for many years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct and especially your violation of probation. 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