



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

TJR
Docket No: 8634-01
24 May 2002

[REDACTED]

[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 21 May 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 16 May 1962 at the age of 17. Shortly thereafter, on 29 June 1962, you were convicted by summary court-martial (SCM) of assault and were sentenced to hard labor without confinement for eight days and a \$20 forfeiture of pay.

Your record reflects that on 25 May 1964 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded restriction and extra duty for 30 days, reduction to paygrade E-1, and a suspended forfeiture of pay. On 16 September 1965 you received NJP for absence from your appointed place of duty and disobedience. The punishment imposed was restriction and extra duty for 14 days.

On 15 January 1966 you were convicted by SCM of a 38 day period of unauthorized absence (UA) and missing the movement of your ship. You were sentenced to an \$80 forfeiture of pay and confinement at hard labor for 30 days. On 24 January 1966 you were notified of pending administrative separation action by reason of unfitness due to your frequent military offenses. At

that time you waived your rights to consult with legal counsel and to present your case to an administrative discharge board. On 2 February 1966 the discharge authority directed an undesirable discharge by reason of unfitness, and on 24 February 1966 you were so discharged.

The Board, in its review of your entire record and application, carefully considered all mitigating factors, such as your youth and immaturity and your contention of prejudicial treatment. Nevertheless, the Board found these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct. Further, there is no evidence in the record, and you submitted none, to support your contention of prejudicial treatment. 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