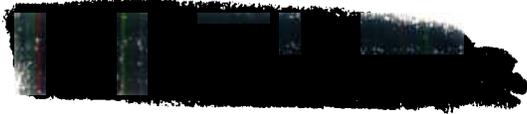




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

CRS
Docket No: 10441-02
24 January 2003



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 22 January 2003. 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 7 August 1969. The record reflects that you received two nonjudicial punishments and were convicted by a summary court-martial. The offenses included an unauthorized absence of a day, assault on a fellow Sailor, being out of bounds without permission, failure to obey a lawful order, and disrespect. Subsequently, on 8 June 1970 you were convicted by civil authorities of using a car without permission, leaving the scene of an accident, failure to report the accident, and causing the accident. The court sentenced you to probation for five years and a fine of \$106.

On 28 July 1970 the commanding officer recommended that you be separated with an undesirable discharge by reason of misconduct due to your civil conviction and frequent discreditable involvement with military authorities. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and on 14 August 1970 you received an undesirable

discharge by reason of misconduct due to civil conviction.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the civil conviction and your three disciplinary actions. 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