



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

FC
Docket No: 00676-03
16 June 2003



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 11 June 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 30 July 1963 at age 17. On 7 January 1964 you received nonjudicial punishment (NJP) for a seven-day period of unauthorized absence and were awarded restriction and forfeitures of pay. On 17 April 1964 you were convicted by summary court martial (SCM) of assault and two instances of disobedience of a superior officer and were sentenced to fifteen days of confinement at hard labor and a forfeiture of pay. On 3 May 1963 you received a second NJP for a brief period of unauthorized absence and were awarded a forfeiture of pay.

On 25 August 1966 you were convicted by special court-martial (SPCM) of a 48-day period of unauthorized absence and were sentenced to a reduction to paygrade E-1, forfeitures of pay, and confinement for two months. Portions of the sentence were suspended. However, on 12 December 1966 the suspended portions

of the sentence were vacated due to continued misconduct. On 29 December 1966 you were convicted by a second SPCM of a 61 day period of unauthorized absence and were awarded a bad conduct discharge (BCD), forfeitures of pay and confinement at hard labor for three months. On 30 September 1968, you waived the right to request restoration to duty and requested execution of the discharge adjudged by the second SPCM. On 21 March 1967, you were granted appellate leave. On 24 May 1967, upon completion of appellate review, you were separated with a BCD.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and the length of time that has passed since you were discharged from the Navy. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your frequent and serious misconduct that resulted in an NJP and convictions by a SCM and two SPCMs. 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