



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

TJR  
Docket No: 3705-07  
11 February 2008

[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 7 February 2008. 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 10 January 1962 at age 18 and served without disciplinary incident until 17 January 1963, when you were convicted by summary court-martial (SCM) of sleeping on post and sentenced to restriction for 14 days and a \$30 forfeiture of pay. During the period from 20 April to 3 September 1963 you were convicted by civil authorities of two counts of failure to appear in court for a vehicle code violation and an outstanding arrest warrant, and received nonjudicial punishment (NJP) for wrongful appropriation.

On 17 November 1964 you received NJP for absence from your appointed place of duty and disobedience. The punishment imposed was restriction for 10 days. Shortly thereafter, you were notified of pending administrative separation action by reason of unfitness and a pattern of misconduct. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 11 December 1964 your commanding officer recommended an undesirable discharge by reason of unfitness and a pattern of misconduct as evidenced by

shirking and indebtedness. On 6 January 1965 the discharge authority approved this recommendation but directed separation be held in abeyance and that you be placed on probational retention. Subsequently, you were advised that any further misconduct would result in immediate separation without further notification.

During the period from 23 February to 29 July 1965 you received multiple letters of indebtedness. On 24 August 1965 you received NJP for two specifications of wrongful appropriation. As a result of this continued misconduct while on probation, the discharge authority directed an undesirable discharge, and on 2 September 1965 you were so separated from the Navy.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as the **passage of time and your youth, desire to upgrade your discharge** so that you may obtain veterans' benefits, and post service conduct. It also considered your explanations for your misconduct. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct in both the military and civilian communities and continued throughout your retention probational period. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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