



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

TJR  
Docket No: 3750-07  
15 February 2008

[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 12 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 28 June 1955 at age 17 and served without disciplinary incident until 31 May 1956, when you were convicted by summary court-martial (SCM) of dereliction of duty and sleeping on post. You were sentenced to confinement for 16 days.

On 8 April 1957 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were warded restriction for two weeks. On 6 December 1957 you were convicted by special court-martial (SPCM) of a 19 day period of unauthorized absence (UA) and breaking restriction. You were sentenced to a \$134 forfeiture of pay, reduction to paygrade E-1, and restriction for two months, which was suspended for six months. About six months later, on 21 June and again on 9 August 1958, you received NJP for two periods of absence from your appointed place of duty.

On 14 September 1959 you were convicted by SPCM of two periods of UA totalling 271 days and breaking restriction. You were sentenced to confinement at hard labor for five months, a \$350 forfeiture of pay, reduction to paygrade E-1, and a bad conduct

discharge (BCD). On 16 November 1959 you submitted a written request for restoration to duty in which you stated, in part, as follows:

A BCD would be a burden and a disgrace for me the rest of my life. I realize a great deal since I have caused all this trouble for myself and the Navy. I know that I could have made something of myself these last four years. If I were returned to duty I know I could make something of myself. I honestly regret what I have done. I asked to be restored to duty to prove to myself as well as others that I can make something of myself.

However, your request was denied, and after the BCD was approved at all levels of review, on 12 January 1960 you were so **discharged.**

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and assertion that your court-martial convictions were unjust and unnecessary. It also considered your assertion of being confined for offenses that were thrown out of court. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in three NJPs, conviction by court-martial on three occasions, and your lengthy period of UA from the Navy. 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