



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

SJN
Docket No: 03944-07
4 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 24 January 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.

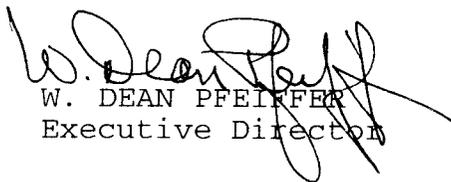
You enlisted in the Navy on 1 September 1967 at age 17. On 8 March 1968, you were convicted by summary court-martial (SCM) of a 29-day period of unauthorized absence (UA). On 19 March 1968, you received nonjudicial punishment (NJP) for a brief period of UA. On 26 August 1968 and 14 April 1969, you were convicted by special court-martial (SPCM) of three periods of UA totaling 71 days and breaking restriction.

On 10 July 1969, you were processed for an administrative discharge by reason of unfitness. You elected to waive the rights to have your case heard by a board of officers. On 17 July 1969 your commanding officer recommended an undesirable discharge by reason of unfitness. On 25 July 1969 the discharge authority directed an undesirable discharge. You were so discharged on 5 August 1969.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the reason you provided for your misconduct. Nevertheless, the board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of NJP, conviction by SCM and two SPCM convictions for offences that included over two months of UA. Further, you waived the right to have your case heard by a board of officers, your best chance for retention or a better characterization of service. 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