



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

SMW  
Docket No: 7433-07  
24 April 2008

[REDACTED]

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 23 April 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.

On 31 August 1960, you enlisted in the Navy at age 18. During the period 19 May 1961 to 5 February 1964, you had seven nonjudicial punishments (NJP's) and were convicted by a special court-martial. Your offenses included five instances of unauthorized absence totaling about 35 days, failure to obey a lawful order, resisting apprehension, breaking restriction, disorderly conduct, and missing the movement of your ship.

On 19 June 1964, your commanding officer initiated administrative separation by reason of unfitness and misconduct. In connection with this processing, you acknowledged that separation could result in an undesirable discharge (UD), waived the right to have your case heard by an administrative discharge board (ADB), and submitted a statement requesting retention. On 16 July 1964, the separation authority approved the separation recommendation and directed a UD by reason of unfitness, but suspended the UD and placed you


on 12 months of probation. On 3 August 1964, you had NJP for a brief period of UA. On 3 August 1964, you also signed a service record entry in which you acknowledged that your UD was suspended and you were placed on probation for a period of 12 months. On 7 October 1964, you began a UA that ended on 17 November 1964, a period of about 41 days. On 1 December 1964, you had NJP for the 41 day UA and missing the movement of your ship. As a result of this misconduct, the suspension was vacated and the UD ordered executed. On 7 January 1965, you were separated with a UD by reason of unfitness.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and desire for a better discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your misconduct that continued even while you were on probation. Finally, the Board noted that you waived the right to have your case heard by an ADB, your best opportunity for retention or a more favorable characterization of service. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You may request a copy of your DD Form 214 by submitting the enclosed SF 180 to the address set forth on the form.

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

Enclosure