



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

CRS
Docket No: 10105-07
6 October 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 1 October 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 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 1 July 1958. On 27 July 1959 you received nonjudicial punishment for failure to go to appointed place of duty. On 24 February 1960 you were convicted by civil authorities of assault and robbery. The court sentenced you to confinement for six months, five months of which were suspended. Subsequently, you received three more nonjudicial punishments and were convicted by a special court-martial. Your offenses included an unauthorized absence of 19 days, assault with intent to do bodily harm, failure to obey a lawful order, absence from appointed place of duty, and insubordination.

On 22 March 1961 your commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness due to frequent involvement with civil and military authorities. After being informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. The recommendation for separation was approved by the discharge authority and you were discharged on 2 May 1961 with an undesirable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and personal problems. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge, given your record of serious offenses. 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