



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

SMW
Docket No: 10766-07
31 July 2008



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 30 July 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.

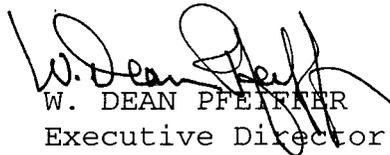
On 10 August 1954, you enlisted in the Navy at age 18. During the period 21 December 1954 to 1 February 1957, you had three nonjudicial punishments and were convicted by three summary courts-martial. Your offenses included three instances of unauthorized absence totaling about one day, missing the movement of your ship, two instances of assault, disorderly conduct, disrespect, and public drunkenness.

On 5 February 1957, your commanding officer initiated administrative separation by reason of unfitness. In connection with this processing, you acknowledged that separation could result in an undesirable discharge (UD) and submitted a statement requesting to be allowed to remain in the Navy. On 8 March 1957, the separation authority approved the discharge recommendation and directed a UD by reason of unfitness. On 2 April 1957, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and explanation of events. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your misconduct. 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.

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