



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

TJR
Docket No: 11339-07
19 November 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 18 November 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 4 June 1966 at age 17 and served without disciplinary incident until 10 January 1968, when you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA). Shortly thereafter, on 29 January 1968, you received NJP for sleeping on post. On 29 February 1968 you received your third NJP for sleeping on post and were awarded a reduction to paygrade E-1. On 15 November 1968 you were convicted by special court-martial (SPCM) of three periods of UA totalling 64 days and sentenced to confinement at hard labor for three months.

On 18 July 1969 you were convicted by SPCM of two periods of UA totalling 91 days and breaking restriction. You were sentenced to confinement at hard labor for four months, reduction to paygrade E-1, and a \$328 forfeiture of pay. Shortly thereafter, on 22 August 1969, you were notified of pending administrative discharge by reason of unfitness due to frequent involvement of a

discreditable nature with military authorities. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 2 September 1969 an ADB recommended an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. On 18 September 1969 your commanding officer also recommended an undesirable discharge by reason of unfitness. On 30 September 1969 the discharge authority approved these recommendations, and on 31 October 1969 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 desire to have your discharge upgraded so that you may receive medical benefits. It also considered your assertion of experiencing paranoia, unstable behavior, drug and alcohol abuse, and trauma due to the deaths of your shipmates. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct and your repetitive and lengthy periods of UA, all of which resulted in three NJPs and two court-martial convictions. 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