



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

TJR
Docket No: 153-08
1 December 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 25 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 1 November 1965 at age 19 and served without disciplinary incident until 4 August 1966, when you were convicted by summary court-martial (SCM) of a four day period of unauthorized absence (UA). You were sentenced to a \$30 forfeiture of pay and restriction for 14 days. About three months later, on 30 November 1966, you were convicted by special court-martial (SPCM) of two periods of UA totalling 56 days, missing the movement of your ship, breaking arrest, and breaking restriction. You were sentenced to confinement at hard labor for six months, a \$384 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 13 March 1967 you submitted a written request for immediate execution of the BCD. Subsequently, the BCD was approved at all levels of review, and on 21 April 1967 you were so discharged.

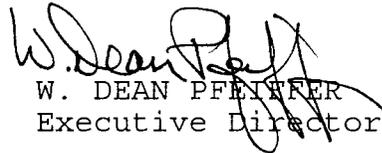
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, personal background, and desire to upgrade your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the

seriousness of your misconduct which included repeated periods of UA and resulted in 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