



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

TJR
Docket No: 2008-08
10 December 2008



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 9 December 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 October 1960 at age 17 and served without disciplinary incident until 29 November 1961, when you received nonjudicial punishment (NJP) for breach of the peace. Less than a month later, on 22 December 1961, you received NJP for a one day period of unauthorized absence (UA).

On 13 April 1962 you were convicted by summary court-martial (SCM) of absence from your appointed place of duty and sentenced to hard labor for 30 days and a \$40 forfeiture of pay. On 15 October and again on 8 November 1962 you received NJP for drunkenness and absence from your appointed place of duty.

On 4 January 1963 you were again convicted by SCM of drunk and disorderly conduct, two specifications of assault, and disrespect. You were sentenced to confinement at hard labor for 30 days and a reduction in paygrade. On 24 April 1963 you were

convicted by special court-martial (SPCM) of disobedience a breach of the peace. You were sentenced to confinement at hard labor for three months and a suspended reduction in paygrade. About three months later, on 23 July 1963, you were convicted by SCM of a three day period of UA and assault on a civilian. You were sentenced to confinement at hard labor for a month, a \$70 forfeiture of pay, and reduction to paygrade E-1. On 23 October 1963 you received your fifth NJP for a 15 day period of UA and were awarded correctional custody for 30 days and a \$55 forfeiture of pay.

On 1 September 1963 you were notified of pending administrative discharge action by reason of misconduct due to frequent involvement of a discreditable nature with military or civilian authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 16 September 1963 your commanding officer recommended an undesirable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military or civilian authorities. On 1 October 1963 the discharge authority approved this recommendation and directed an undesirable discharge by reason of misconduct and on 21 November 1963 you were so discharged.

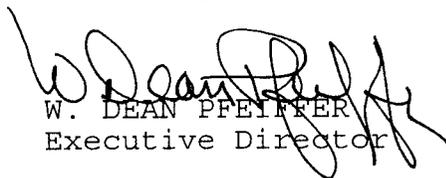
The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to have your discharge upgraded. It also considered your letter of explanation regarding your period of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, which resulted in five NJPs and four court-martial convictions, and included misconduct in the civilian community. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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