



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

BAN
Docket No: 02968-08
11 December 2008

[REDACTED]

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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 10 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 23 September 1955, and served without disciplinary incident, until 29 January 1957, when you were convicted at a summary court-martial (SCM) for insubordinate conduct toward a petty officer.

Shortly thereafter, you received the following disciplinary actions: on 9 July 1957, you received nonjudicial punishment (NJP) for drunk and disorderly conduct; and on 25 September 1957, for failure to obey a lawful order. On 27 June 1958, you were convicted at a special court-martial (SPCM) for an unauthorized absence (UA). On 21 August 1958, you received an NJP for being drunk on duty; on 3 September 1958, you were convicted at another SCM for being drunk on duty; and on 27 May 1959, you were tried and convicted at a SPCM for assault. However, due to your appeal, your case was re-tried on 12 August 1959, and while awaiting sentence from your new trial, entered a UA status again.

However, in your absence, you were still sentenced to a bad conduct discharge (BCD). Therefore, on 29 January 1960, you were separated with a BCD and an RE-4 reenlistment code.

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