



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

TJR
Docket No: 5339-08
8 April 2009

[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 7 April 2009. The names and votes of the members of the panel will be furnished upon request. 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 12 March 1964 at age 17 and served without disciplinary incident until 14 September 1965, when you received nonjudicial punishment (NJP) for drinking alcoholic beverages as a minor and in an unauthorized area. The punishment imposed was a \$25 forfeiture of pay. The record reflects that you did not appeal this NJP.

On 19 June 1967 you received your second NJP for willful destruction of a shipboard announcing system speaker valued at about \$34. The punishment imposed was correctional custody at hard labor for 10 days and a reduction in paygrade. The record also reflects that you did not appeal this NJP.

Subsequently, on 27 October 1967, you were honorably released from active duty and transferred to the Naval Reserve. On 11 March 1970, at the expiration of your enlistment, you were honorably discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as the passage of time, your youth and request to have the NJP imposed on 19 June 1967 removed from your record. It also considered your assertion of being the subject of a "high handed act of injustice or a grievous error in judgment" as evidenced by the NJP imposed on 19 June 1967. Nevertheless, the Board concluded that you have submitted no evidence to show that either NJP was improperly or inappropriately imposed. The Board also noted that you did not appeal your NJPs. Further, no NJP is removed from a record merely because of the passage of time. Finally, there is no evidence in the record, and you submitted none, to support your assertion of an injustice or grievous error. Accordingly, your application has been denied.

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 PFRIFFER
Executive Director