



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

TRG
Docket No: 6118-08
11 February 2009

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 3 February 2009. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 30 December 1963 at age 17. During the period from 7 May 1964 to 1 February 1965 you received nonjudicial punishment on two occasions and were convicted by a summary and a special court-martial. Your offenses were four short periods of unauthorized absence and improperly taking money from a recruit. On 20 September 1965 you were convicted by civil authorities of multiple traffic offenses and striking another car. Because you did not pay the fines and court costs you were remanded to jail for nonpayment. You then remained in the custody of various jurisdictions in Virginia for several months. On 24 May 1966, the court reduced the charge of automobile grand larceny and found you guilty of unauthorized use of a motor vehicle. The court sentenced you to 12 months in jail, gave you credit for the eight months you had already spent in confinement and suspended the remaining four months of the sentence. Subsequently, you were returned to the Navy.

On 7 June 1966 the command recommended you for an undesirable discharge due to the civil conviction but also recommended that the discharge be suspended on 12 months probation. After review this recommendation was approved and you acknowledged the terms of your probation. On 2 August 1966 you received nonjudicial punishment for threatening a senior petty officer and another

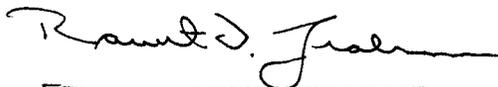
individual and received forfeiture of pay. That same day your commanding officer vacated the suspension and directed the previously approved discharge. You received the undesirable discharge on 4 August 1966.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education, low score on the aptitude test, need for medical care and your regret for your actions. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your extensive record of military and civilian misconduct and violation of probation. The Board concluded that the discharge was proper as issued and no change is warranted.

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,


for W. DEAN PFEIFFER
Executive Director