



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

SJN
Docket No: 06991-08
5 June 2009

[REDACTED]

Dear [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 2 June 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 23 December 1964 after four years of honorable service. During the period from 9 June 1965 to 13 January 1967, you received four nonjudicial punishments (NJP's) for four periods of unauthorized absence (UA) totaling 21 days, breaking restriction, and missing movement. On 10 May 1967, you were convicted by summary court-martial (SCM) of 13 days of UA and disobedience.

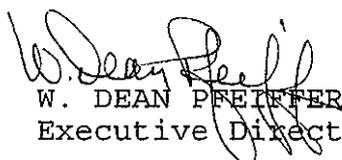
On 28 June 1967, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. After being advised of your procedural rights, you waived the right to an administrative discharge board (ADB). On 10 July 1967, your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct.

On 21 July 1967, you were convicted by special court-martial (SPCM) of disrespect and disobedience. You were sentenced to a reduction in pay grade, a forfeiture of pay, hard labor and restriction. On 26 July 1967, the separation authority directed discharge under other than honorable conditions by reason of misconduct. You were so discharged on 6 October 1967.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, last period of service, and Vietnam service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge because of the four NJP's, and conviction by SCM, and SPCM. The Board also noted that you waived an ADB, your best chance for retention or a better characterization of service. 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