



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

SJN  
Docket No: 07055-08  
16 June 2009

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 9 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 enlisted in the Navy and began a period of active duty on 5 August 1955 at age 17. During the period from 26 July to 9 October 1957, you received four nonjudicial punishments (NJP's) for disorderly conduct, failure to go to your appointed place of duty, failure to observe reveille, wrongful appropriation, and altering a military identification card. On 18 October 1957, you were convicted by civil authorities of being intoxicated in public. During the period of 21 October 1957 to 24 July 1958, you received four additional NJP's for being incapacitated for duty due to over indulgence of alcohol, and two instances of failure to go to your appointed place of duty. On 24 October 1958, you were convicted by summary court-martial (SCM) of being incapacitated for duty due to over indulgence of alcohol.

On 7 November 1958, you were processed for an administrative discharge by reason of unfitness. You elected to waive the right to have your case heard by a board of officers. Your commanding officer forwarded your case recommending an undesirable discharge

by reason of unfitness. On 1 December 1958, the separation authority directed an undesirable discharge. You were so discharged on 12 December 1958.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of eight NJP's, conviction by SCM, and civil conviction. The Board also noted that you waived the right to have your case heard by a board of officers, 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