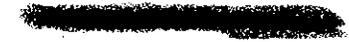
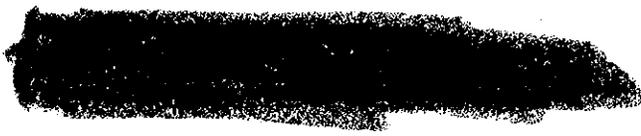




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SJN  
Docket No: 08145-08  
26 June 2009



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 23 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 21 October 1965 at age 19. On 28 February and 6 April 1966, you were convicted by civil authorities of vagrancy and using a motor vehicle without consent. On 29 April 1966, you were convicted by special court-martial (SPCM) of two periods of unauthorized absence totaling 58 days and disobedience.

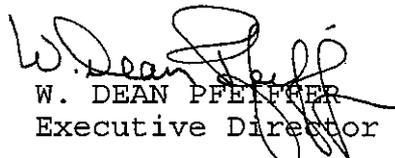
Administrative discharge action was initiated and your commanding officer forwarded his recommendation for separation. However, he recommended your separation be suspended on the condition you stayed free of any further misconduct. On 4 August 1966, the separation authority directed that your undesirable discharge be held in abeyance for 12 months for further observance of your conduct.

During the period from 15 August to 29 November 1966, you received three nonjudicial punishments (NJP's) for two periods of unauthorized absence totaling four days and sleeping on watch. In light of this further misconduct, you received the undesirable discharge on 2 December 1966.

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 any change in your discharge given your two civil convictions, SPCM conviction, and three NJP's. 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