



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

TJR
Docket No: 8614-08
14 July 2009

[REDACTED]

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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 July 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 14 July 1961 at age 18 and served without disciplinary incident until 7 May 1963, when you received nonjudicial punishment (NJP) for a one day period of unauthorized absence (UA). On 13 May and again on 13 August 1963 you received NJP for disobedience and wrongful possession of a falsified identification card. Shortly thereafter, on 28 August 1963, you were convicted by summary court-martial (SCM) of larceny of a sword valued at \$40 and were sentenced to confinement for 30 days. On 17 September 1963 you were convicted by civil authorities of providing them with a false address and sentenced to probation for a year.

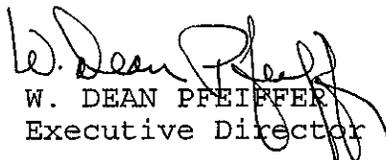
On 14 January and 10 March 1964 you received NJP for absence from your appointed place of duty, missing the movement of your ship, breaking restriction, and a three day period of UA. On 6 April 1964 you were again convicted by civil authorities of two specification of forgery in the amount of \$309. You were sentenced to probation for three years and to pay restitution in the amount of \$309.

On 20 May 1964 you were notified of pending administrative separation action by reason of misconduct due to civil conviction. After waiving your right to consult with legal counsel and to present your case to an administrative discharge board (ADB), on 8 June 1964, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of misconduct, and on 10 July 1964, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, the passage of time, and your desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct in both the military and civilian communities. 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 PFEIFFER
Executive Director