



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

CRS  
Docket No: 8686-08  
24 March 2009

[REDACTED]

[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 4 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.

The Board found that you enlisted in the Navy on 14 February 1964. A special court-martial convened on 22 October 1965 and found you guilty of an unauthorized absence of 74 days. On 5 July 1967 the Federal Bureau of Investigation (FBI) charged you with armed robbery. On 7 July 1967 you were convicted by civil authorities of bank robbery. The court sentenced you to confinement for not more than 20 years.

On 5 September 1967 your commanding officer recommended that you be separated with an undesirable discharge by reason of misconduct due to civil conviction. After being informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged on 18 October 1967 with an undesirable discharge.

In its review of your application, the Board carefully considered your contention that after your conviction the FBI discovered that you had nothing to do with the robbery. The Board could not find any evidence in the available records or your application which corroborates that contention. Accordingly, and as you have

not demonstrated that it would be in the interest of justice for the Board to upgrade your discharge, 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