



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

BAN  
Docket No: 10638-08  
13 August 2009

[REDACTED]

[REDACTED]

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 13 August 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 on 31 July 1961, and served without disciplinary incident until 10 April 1962, when you were convicted at a summary court-martial (SCM) for disobeying a senior petty officer and drunk and disorderly conduct at the enlisted club. Additionally, on 23 July 1962, you were convicted at another SCM for unauthorized absence (UA) and failure to obey a lawful order. On 17 June 1963, you received a nonjudicial punishment (NJP) for breaking into your commanding officer's room and attempting to steal his .45 caliber pistol.

On 9 July 1963, you were convicted at a special court-martial for drunk on duty and consuming alcohol while on restriction. Furthermore, on 25 February 1964, you received another NJP for UA. You were recommended for separation with a general discharge due to being unfit for naval service. The separation authority approved the recommendation and on 14 July 1964, you received a

general discharge and an RE-4 reenlistment code. Character of service is based in part on trait marks assigned on a periodic basis. Your overall trait average was 2.85. You needed a 3.0 overall trait average for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct and insufficiently high overall trait average. 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