



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

TJR
Docket No: 10973-08
20 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 18 August 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 30 July 1956 at age 17. You served without disciplinary infraction until 5 November 1956, when you received nonjudicial punishment (NJP) for drinking alcohol beverages as a minor.

During the period from 7 February to 7 May 1957 you received NJP on four occasions and were convicted by summary court-martial (SCM). Your offenses were disrespect, a one day period of unauthorized absence (UA), two specifications of failure to obey a lawful order, and absence from your appointed place of duty.

You received four more NJPs during the period from 4 March to 20 October 1958 for two specifications of failure to obey a lawful order, disobedience, conduct prejudicial to the good order and discipline of the armed forces, two periods of absence from your appointed place of duty, and an unspecified violation/offense.

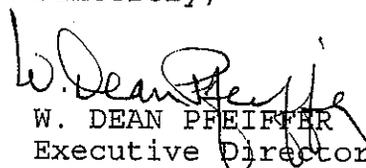
On 19 December 1958 you were convicted by special court-martial (SPCM) of absence from your appointed place of duty and disrespect.

On 12 March 1959 you received your tenth NJP for failure to go to your appointed place of duty. Shortly thereafter, you were processed for an administrative separation by reason of unfitness as evidenced by your repetitive disciplinary incidents. On 25 March 1959 the discharge authority directed your commanding officer to issue you an undesirable discharge by reason of unfitness and on 5 May 1959 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as youth, the passage of time, and your desire to upgrade your discharge. It also considered your assertion of personal, family, and medical problems and the lack of support to resolve the same. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your undesirable discharge because of the seriousness of your repetitive misconduct which resulted in 10 NJPs and two court-martial convictions. Finally, there is no evidence in the record, and you submitted none, to support your assertion, and no discharge is upgraded due solely to the passage of time. 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