



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

SMS
Docket No: 1714-08
9 October 2008

[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 8 October 2008. 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.

On 26 April 1955, you enlisted in the Navy at age 18. During the period 17 April 1956 to 16 February 1959, you had nonjudicial punishment (NJP) on five occasions and were convicted by four summary courts-martial. Your offenses included intoxication, three instances of failure to go to your appointed place of duty, two instances of absence from your appointed place of duty, willful disobedience of a lawful order, assault, wearing another man's hat, dereliction in the performance of your duties, and violation of uniform regulations.


On 18 February 1959, your commanding officer initiated administrative separation by reason of unfitness, and recommended an undesirable discharge (UD). In connection with this processing, you submitted a statement in which you requested retention. On 19 March 1959, the separation

authority approved the discharge recommendation and directed a UD by reason of unfitness. On 1 April 1959, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contention that the UD was unjust for the time that you served. Nevertheless, the Board concluded that these factors and contention were not sufficient to warrant recharacterization of your discharge due to your repetitive misconduct. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. 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