



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

BAN  
Docket No: 00211-09  
26 October 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 16 October 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 24 February 1964, and served without disciplinary incident until 5 April 1965, when you received nonjudicial punishment (NJP) for unauthorized absence (UA).

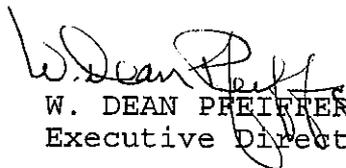
Shortly thereafter, you received the following NJP's: on 30 April 1965, for failure to obey a lawful order by drinking alcohol as a minor; and on 26 October 1965 for UA and being drunk in public. Additionally, on 27 January 1966, you were arrested by the civil authorities for being drunk in public. Further, on 2 February 1966, you received another NJP for UA and on 19 May 1966, an NJP for failure to obey a lawful order by drinking alcohol while underage, destruction of government property, and possessing a false identification card. You were recommended for an administrative separation due to your misconduct, and you exercised your right to request an administrative discharge board

(ADB). The ADB voted to administratively separate you with an other than honorable (OTH) discharge. However, they suspended the recommendation, pending any further misconduct for 12 months. On 15 March 1967, you received another NJP for assault. Therefore, on 5 April 1967, you were separated with an OTH discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant changing the characterization of your discharge due to your misconduct. Finally, there is no provision in the law or regulations that allows for recharacterization of a discharge code due solely to the passage of time. 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