



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

TAL  
Docket No: 00740-09  
9 November 2009

[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 28 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 and began a period of active duty on 16 March 1962 at the age 18. On 14 September 1962, you were convicted by summary court-martial (SCM) for a 12 day period of unauthorized absence (UA). On 21 May 1963, you were convicted by special court-martial (SPCM) for a 33 day period of UA. On 4 February 1964, you received nonjudicial punishment (NJP) for one day of UA and missing ship's movement. On 22 September 1964, you were convicted by SPCM for a 70 day period of UA and missing ship's movement. On 13 October 1964, administrative discharge action was initiated by reason of misconduct due to unfitness. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). On 16 October 1964, your commanding officer forwarded his recommendation that you be discharged under other than honorable (OTH) conditions by reason of misconduct. On 30 October 1964, the separation authority directed an OTH discharge by reason of misconduct due to unfitness. The execution of the discharge was held in abeyance for a 12 month period of probation to determine your potential for further service. On 4 January 1965, you requested to be discharged. On 6 January 1965, the commanding

officer approved your request and you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your NJP and convictions by two SPCM'S, and a SCM for periods of UA totaling over three months. Finally, the Board noted that you requested termination of the probationary period which provided you with an opportunity to earn a better discharge. 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