



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

SJN  
Docket No: 01165-09  
8 December 2009



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 1 December 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 30 December 1959 at age 17. During the period from 18 January to 27 July 1961, you received three nonjudicial punishments (NJP's) for two instances of disobedience and two periods of unauthorized absence (UA) totaling three days. On 14 August 1961, you were convicted by civil authorities of larceny. You were sentenced to 60 days in jail. However, the sentence was suspended for one year pending good behavior.

On 21 August 1961, you were processed for an administrative discharge by reason of unfitness. You elected to waive the right to have your case heard by a board of officers. On 22 August 1961, your commanding officer forwarded your case recommending an undesirable discharge by reason of unfitness. On 11 September 1961, the separation authority directed an undesirable discharge. You were so discharged the same day.

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 found that these factors were not sufficient to warrant recharacterization of your discharge given your record of three NJP's and conviction by civil authorities for a serious offense. The Board also noted that you waived the right to have your case heard by a board of officers, your best chance for retention or a better characterization of service. 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