



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

TJR
Docket No: 2201-09
11 January 2010

[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 6 January 2010. 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 18 December 1967 at age 18 and served without disciplinary incident until 6 June 1968, when you received nonjudicial punishment (NJP) for a seven day period of unauthorized absence (UA). The punishment imposed was restriction for 30 days. Shortly thereafter, on 24 June 1968, you received NJP for disobedience and dereliction of duty. About a month later, on 19 July 1968, you were convicted by special court-martial (SPCM) of breaking restriction and a 13 day period of UA. You were sentenced to confinement at hard labor for 45 days and a \$50 forfeiture of pay. On 31 December 1968 you were again convicted by SPCM of an 87 day period of UA and sentenced to confinement at hard labor for six months and a bad conduct discharge (BCD).

On 26 March 1969 you submitted a written request for immediate execution of the BCD, stating in part, that your request was partially based on your desire to take care of your family. You also stated that you felt that you could not continue to serve or complete your military obligation. Subsequently, the BCD was approved at all levels of review and on 4 April 1969, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and your assertion that you were not afforded any assistance for the family problems that you were experiencing. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repetitive misconduct, which resulted in two NJPs and two SPCMs. Finally, there is documented evidence in the record which is contrary to your assertion. 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