



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

SJN
Docket No: 02417-09
7 January 2010

[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 5 January 2010. 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 November 1961 at age 18. On 24 May 1962, you received nonjudicial punishment (NJP) for disobedience. On 28 August 1962 and 28 January 1963, you were convicted by special court-martial (SPCM) of four specifications of unauthorized absence (UA) totaling 125 days and disobedience. On 19 February 1963, 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 and your case was forwarded to the separation authority. On 13 March 1963, the Chief of Naval Personnel (CNP) approved the recommendation for separation by reason of unfitness, but directed that the execution of the discharge be held in abeyance subject to a 12-month probationary period. However, on 18 March 1963, when you were advised of your probationary period, you submitted a request for discharge. Your request was forwarded and on 28 March 1963, CNP directed the termination of your probation and that the undesirable discharge be executed. You were so discharged on 9 April 1963.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your NJP, and two SPCM convictions for periods of UA totaling over four months. The Board also noted that you were given an opportunity for retention and to earn a better characterization of service, but requested to be discharged. 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