



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

TAL
Docket No: 3750-09
12 February 2010

[REDACTED]

[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 3 February 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.

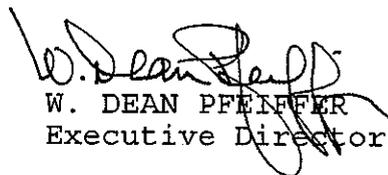
You enlisted in the Navy and began a period of active duty on 28 May 1965 at the age of 18. On 8 September 1965, you received nonjudicial punishment (NJP) for an unauthorized absence (UA) from your appointed place of duty. On 23 November 1965, you were convicted at special court-martial (SPCM) for a 15 day period of UA from your unit. On 14 March 1966, you received NJP for unauthorized possession of another man's liberty pass. On 23 March 1966, you received NJP for falsely altering a military identification card. On 10 May 1966, you were convicted at summary court-martial (SCM) for an eight day period of UA from your unit. On 16 May 1966, you received NJP for UA from your appointed place of duty. On 17 May 1966, you were counseled and warned that further misconduct could result in administrative discharge action. On 30 June 1966, you received NJP for UA from your appointed place of duty and not wearing the proper uniform. On 5 July 1966, administrative discharge action was initiated to separate you by reason of unfitness. You waived your rights to consult counsel or submit a statement. On 7 July 1966, your commanding officer forwarded his recommendation that you be

discharged under other than honorable (OTH) conditions for unfitness. On 21 July 1966, the discharge authority directed an OTH discharge by reason of unfitness. On 3 August 1966 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 the seriousness of your misconduct that resulted in five NJP's, one SCM and one SPCM. Additionally, after your fourth NJP you were counseled and warned concerning the consequences of further misconduct. 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