



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

TAL
Docket No: 3911-09
16 April 2010



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 14 April 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.

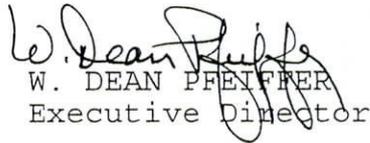
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy Reserve and began a period of active duty on 14 February 1961 at the age of 22. On 29 June 1961, you were convicted at summary court-martial (SCM) of unauthorized absence (UA) from your unit for a period of 17 days. On 22 August 1961, you were convicted by special court-martial (SPCM) of UA from your unit for a period of three days and failure to obey a lawful order. On 16 November 1961, you were again convicted by SPCM of UA from your unit for a period of eight days. On 7 December 1961, administrative discharge action was initiated to separate you by reason of unfitness. You waived your rights to consult counsel, you did, however elect to submit a written statement. On 8 December 1961, your commanding officer forwarded his recommendation that you be discharged under other than honorable (OTH) conditions for unfitness. On 22 December 1961, the discharge authority directed an OTH discharge by reason of unfitness. On 19 January 1962 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 one SCM and two SPCMs. 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