



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

REC
Docket No: 05465-09
16 April 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 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 on 12 December 1967, at the age of 17. On 10 April 1968, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for one day, being out of bounds, and bringing discredit upon the Navy. On 10 June 1968, you received NJP for being UA for a seven day period. On 29 August 1968, you received NJP for being UA for one day. On 3 September 1969, you missed your ship's movement. On 23 January 1969, you were convicted by special court-martial (SPCM) for being UA for a period of 56 days and sentenced to 30 days confinement at hard labor. During the period of 3 December 1968 to 13 March 1969, awaiting convening authority's action on the SPCM, you commenced a seven day period of UA. On 4 March 1969, you received your fourth NJP for being UA for seven days. You were notified that administrative discharge procedures were initiated and that you would receive a reenlistment code of RE-4 upon your separation. The discharge authority directed a general discharge. You were so discharged on 20 March 1969.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of four NJP's, and conviction by SPCM for misconduct. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed 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