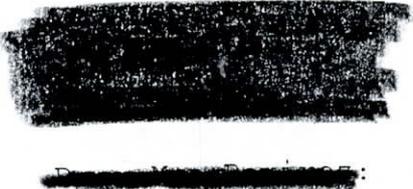




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 6482-09  
2 June 2010



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 1 June 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 26 July 1955 at age 19 and served without disciplinary incident until 4 December 1955, when you received nonjudicial punishment (NJP) for consuming alcoholic beverages as a minor.

During the period from 29 April to 2 September 1956 you received NJP on three more occasions for disobedience, using profane language, insolence, two specifications of consuming alcoholic beverages as a minor, public drinking, and drunk and disorderly conduct. On 24 October 1956 you were convicted by summary court-martial (SCM) of using indecent language and urinating on school grounds.

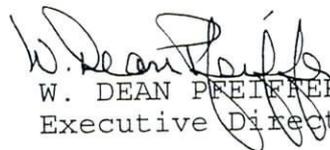
Subsequently, you were notified of pending administrative separation action by reason of unfitness. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 8 December 1957 an ADB recommended an undesirable discharge by reason of unfitness. On

3 January 1957 your commanding officer also recommended an undesirable discharge by reason of unfitness as evidenced by four NJPs and a SCM. On 9 January 1957 the discharge authority directed your commanding officer to issue you an undesirable discharge by reason of unfitness, and on 29 January 1957, 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 the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your alcohol related misconduct, which resulted in four NJPs and a SCM. 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