



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

CRS
Docket No: 6500-09
2 October 2009

[REDACTED]

Dear [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 30 September 2009. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 12 January 1965. You received nonjudicial punishment and were convicted by a special court-martial for offenses that included an unauthorized absence and violation of a lawful general order.

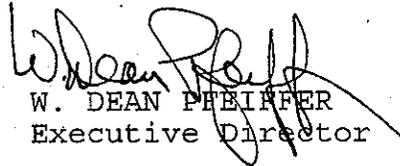
A second special court-martial convened on 7 November 1968 and found you guilty of an unauthorized absence, destruction of personal property, wrongful appropriation of personal property, theft of navigator's equipment and a foul weather jacket, unlawfully entering the commanding officer's stateroom, drunk and disorderly conduct, unlawfully entering the ship's armory, unlawfully entering the repair locker, and unlawfully entering the operations officer's stateroom. The court sentenced you to confinement at hard labor for six months, forfeiture of \$97.00 per month for six months, reduction in pay grade, and a bad conduct discharge. You were separated on 19 August 1969 with a bad conduct discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, alleged lack of counseling for alcohol abuse, and good post service conduct.

The Board concluded that those factors were insufficient to warrant recharacterization of your service, given your numerous acts of misconduct and two convictions by courts-martial. 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