



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

TJR
Docket No: 7498-09
11 June 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 9 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 20 September 1961 at age 18 and served for nearly a year without disciplinary incident, but on 4 September 1962, you received nonjudicial punishment (NJP) for failure to obey a lawful order. About seven months later, during the period from 5 April to 10 July 1963, you received NJP on four more occasions, and were convicted by summary court-martial. Your offenses were five periods of absence from your appointed place of duty.

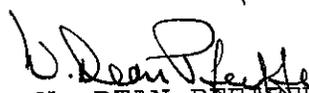
On 30 July 1963 you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military authorities and shirking, and misconduct due to a pattern of misconduct. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). An ADB recommended separation with a characterization warranted by your service record. On 15 October 1963 your commanding officer recommended discharge under other than honorable conditions by reason of unfitness. On 31 October 1963 the discharge authority

approved the foregoing recommendations but suspended discharge until 17 November 1964 under the condition that you would not be involved in any further misconduct. This suspension further stated that the other than honorable discharge would be immediately executed without further notice if violated by any incident. Nonetheless, on 27 May and again on 4 August 1964, you received NJP for absence from your appointed place of duty, being incapacitated for duty, and being drunk in public. As a result, on 27 August 1964, you were discharged under other than honorable conditions.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion of being unfairly labeled as undesirable. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repeated misconduct which resulted in seven NJPs and a SCM. Finally, there is no evidence in the record, and you submitted none, to support your assertion. 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