



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

REC
Docket No: 00573-10
12 October 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 5 October 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 and began a period of active duty on 10 September 1951, at age 17. Between 4 February 1952 and 9 March 1955, you received 11 nonjudicial punishments (NJP's), and three summary courts-martial (SCM's). You committed the following offenses: being in an unauthorized absence (UA) status on three occasions, having possession of another Sailor's liberty card, being in a bar as a minor, two incidents of disobeying an order, using profane language toward a petty officer on two occasions, unauthorized swimming off the fantail, not observing TAPS or reveille, disobeying the Officer of the Deck, disobeying an order from an officer, being disrespectful toward a superior commissioned officer, and three occasions of failure to go to your appointed place of duty. You were advised that your commanding officer was recommending you for administrative separation with an other than honorable discharge due to misconduct. You waived all of your procedural rights, including your right to an administrative discharge board (ADB).

Your commanding officer forwarded his recommendation that you be discharged under other than honorable conditions by reason of

misconduct. The discharge authority directed an other than honorable discharge by reason of misconduct. On 20 May 1955, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing your characterization of your discharge, given your record of 11 NJP's and convictions by three SCM's for misconduct. In this regard, an RE-4 reenlistment code is required when an individual is discharged for misconduct and is not recommended for retention. The Board also noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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