



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

BJG
Docket No: 1664-10
27 October 2010

[REDACTED]

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This is in reference to your application for correction of your late husband's 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 26 October 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 late husband's 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 your late husband entered active duty in the Navy on 11 July 1961. He received nonjudicial punishment on six occasions, and was convicted by a summary court-martial and two special courts-martial (SPCM). His offenses included unauthorized absence (eight specifications totaling 162 days), being drunk and disorderly, disobeying a superior commissioned officer, insubordination, sleeping on watch, and making a false official statement. The sentence at his second SPCM included a bad conduct discharge (BCD). On 19 April 1966, after appellate review, he received the BCD.

The Board, in its review of your late husband's entire record, carefully considered all potential mitigation, such as his youth. Nevertheless, the Board concluded that these factors were not sufficient to warrant upgrading his discharge due his numerous acts of misconduct. In view of the above, 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.

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Sincerely,


W. DEAN PFEIFFER
Executive Director