



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

BAN
Docket No: 01693-10
25 October 2010

[REDACTED]

[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 21 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 entered active duty in the Navy on 2 October 1964, and served without disciplinary incident until 23 February 1965, when you were convicted at a summary court-martial (SCM) of sleeping on watch. Shortly thereafter, you received the following disciplinary actions: on 20 May 1965, you received nonjudicial punishment (NJP) for failure to obey a lawful order, and two specifications of an unauthorized absence (UA); on 25 August 1966, you received NJP for two specifications of UA; on 15 December 1966, you were convicted at a SCM of sleeping on watch, and UA; on 5 October 1967, you received NJP of UA in excess of 10 days; on 30 January 1969, you were convicted at a special court-martial (SPCM) of UA in excess of 27 days. On 12 March 1969, you pled guilty at a SPCM to three specifications of UA in excess of 24 days. Prior to trial you agreed to plead guilty to these charges if you were issued a general discharge. Therefore, on 13 March 1969, you were separated within three months of your

expiration of service with a general discharge in accordance with your pre-trial agreement.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. The Board noted that you were fortunate to receive a general discharge, since individuals who have committed misconduct such as yours normally receive an other than honorable 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