



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

REC
Docket No: 02513-10
27 December 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 15 December 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 22 September 1960. On 20 September 1961, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status and hitchhiking. On 12 February 1962, you received NJP for using another Sailor's bedding. On 5 June 1962, you were convicted by a summary court-martial (SCM) of being UA and failure to go to your appointed place of duty. You were sentenced to reduction in pay grade, and 30 days restriction. On 28 January 1963, you were convicted by your second SCM of two incidents of being derelict in the performance of your duties. You were sentenced to 15 days restriction. On 11 April 1963, you were arrested and convicted by civil authorities of disorderly conduct, unlawfully discharging a firearm, and resisting arrest. On 15 April 1963, you received your third NJP for failure to obey a lawful order. You were informed that you would receive a general discharge at the expiration of your term of active obligated service. The discharge authority directed a general discharge. You were so discharged on 25 March 1986.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of three NJP's, two convictions by SCM of misconduct, and civil conviction. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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