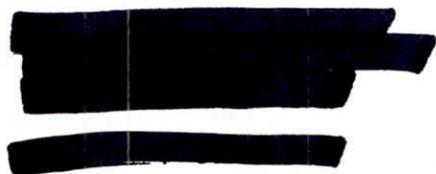




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 3003-10  
26 January 2011



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 20 January 2011. 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 29 January 1965 at age 17. You served for two years and two months without incident. However, during the period from 3 March to 2 November 1967 you received nonjudicial punishment (NJP) on two occasions and were convicted by summary court-martial (SCM). Your offenses were two specifications of drunk and disorderly conduct, disrespect, and a two day period of unauthorized absence (UA).

During the period from 5 January to 21 November 1968 you received NJP for a four day period of UA and missing the movement of your ship. You were also convicted twice by special court-martial (SPCM) and by a SCM of six periods of UA totalling 135 days, two specifications of missing the movement of your ship, and two specifications of breaking restriction. A year later, on 28

November 1969, you were convicted by SPCM of a 268 day period of UA. You were sentenced to confinement at hard labor for five months, reduction to paygrade E-1, a \$400 forfeiture of pay, and a bad conduct discharge (BCD).

On 2 March 1970 you submitted a written request for remission of the BCD and to be issued a general discharge. However, your request was denied. Subsequently, the BCD was approved at all levels of review and on 30 September 1970 you were issued a BCD. Approximately six years later, on 12 March 1976, your initial discharge was changed and you were awarded a clemency discharge pursuant to Presidential Proclamation 4313 (PP 4313).

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. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the frequency and seriousness of your misconduct which resulted in three NJPs and five court-martial convictions. Further, the Board noted that your characterization of service was changed under the provisions of PP 4313 but concluded that a further change, which would make you eligible for Department of Veterans Affairs (DVA) benefits, was not warranted. 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