



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

TJR
Docket No: 3688-10
9 February 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 8 February 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 27 February 1956 at age 17. You served without disciplinary incident for about two months, but during the period from 20 April to 26 October 1956, you received nonjudicial punishment (NJP) on two occasions and were convicted by summary court-martial (SCM). Your offenses were failure to obey a lawful order, absence from your appointed place of duty, and a two day period of unauthorized absence (UA). Two months later, on 24 January 1957, you were again convicted by SCM of a one day period of UA and failure to obey a lawful order.

On 20 May 1958 you were convicted by special court-martial (SPCM) of an eight day period of UA and missing the movement of your ship. About seven months later, during the period from 26 January to 3 April 1959, you received NJP on two more occasions for two specifications of failure to obey a lawful order, absence from your appointed place of duty, and failure to go to your appointed place of duty.

On 12 January 1960, upon completion of your required active service, you were released from active duty under honorable conditions and transferred to the Navy Reserve. On 9 March 1962, at the expiration of your enlistment, you were issued a general discharge.

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, the Board concluded these factors were not sufficient to warrant recharacterization of your service because of the seriousness of your repetitive misconduct which resulted in four NJPs and three court-martial convictions. Finally, the Board concluded that you were fortunate to have received a general discharge since Sailors discharged with a record of misconduct, such as yours, would normally receive a discharge under other than honorable conditions. 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