



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

TJR
Docket No: 4730-10
2 March 2011

[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 1 March 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 May 1967 at age 17. You served without disciplinary incident until 14 October 1968, when you were convicted by summary court-martial (SCM) of two periods of unauthorized absence (UA) totalling 82 days. You were sentenced to confinement at hard labor for one month, reduction to paygrade E-1, and a \$75.60 forfeiture of pay.

On 17 July 1969 you were convicted by special court-martial (SPCM) of two periods of UA totalling 123 days and sentenced to confinement at hard labor for four months and a bad conduct discharge (BCD). On 1 October 1969 you submitted a written request for immediate execution of the BCD, stating in part, that you felt that the time you spent in the Navy had taken too much from you and did not give anything in return, and that you would be happier if your discharge were expedited. Subsequently, the BCD was approved at all levels of review, and on 30 March 1970, you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and the passage of time. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in two court-martial convictions. Finally, the Board noted your request for immediate execution of the BCD. 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