



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

TAL
Docket No: 5407-10
11 February 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 9 February 2011. 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 27 June 1963 at age 20. On 11 December 1963, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit for two days. On 4 February 1964, you received NJP for UA from your unit. On 10 August 1964, you were convicted by special court-martial (SPCM) of UA from your unit for a period of 12 days and missing your ship's movement. The sentence imposed was confinement for two months and forfeiture of pay. On 2 November 1965, you received NJP for sleeping on watch. On 2 November 1966, you received NJP for failure to go to your appointed place of duty. On 6 July 1967, you were again convicted by SPCM of failure to go to your appointed place of duty, UA from your unit for a period of 125 days, and breaking restriction. The sentence imposed was confinement for four months, forfeiture of pay, reduction in paygrade and a bad conduct discharge (BCD). You waived your right of restoration to duty. On 12 October 1967, you received the BCD after appellate review was complete.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that

these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in four NJPs, two SPCMs and periods of UA totaling over four months. Finally, the Board noted that you waived your right to request restoration to duty. 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