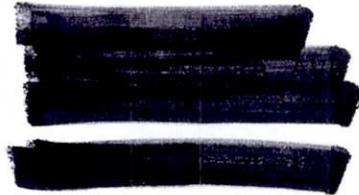




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BAN
Docket No: 05639-10
17 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 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 entered active duty in the Navy on 31 August 1955, and served without disciplinary incident until 29 March 1957, when you received nonjudicial punishment for unauthorized absence (UA). Shortly thereafter, on 11 June 1958, you were convicted at a summary court-martial of UA. Therefore, you did not qualify for a good conduct medal while in the Navy based on your misconduct. On 28 August 1959, you were separated at the end of your obligated service with an honorable discharge and an RE-1 reenlistment code. We have enclosed a copy of NAVPERS Form 1650/66 from the Naval Personnel Command regarding your entitlement to any United States Navy awards. However, since you had prior service with the Florida Army National Guard and Army Reserve, you may contact them if you believe you are entitled to any awards.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth. Nevertheless, the Board concluded these factors were not sufficient to authorize you a Good Conduct Medal due to your repeated acts of misconduct. In this regard, the Board believed that you were fortunate to receive an honorable discharge since Sailors who have committed misconduct ordinarily receive other than honorable discharges. 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

Enclosure