



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

REC
Docket No: 05791-10
10 March 2011



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 March 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 on 3 September 1963. On 18 January 1965, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for one day. On 16 July 1965, you were convicted by a special court-martial (SPCM) of being UA for 15 days. You were sentenced to forfeitures of \$110, and confinement at hard labor for one month. On 10 August 1965, and 16 March 1966, you received NJP for failure to obey a lawful order. On 6 May 1966, you were convicted by your second SPCM of being UA 29 days, and missing the movement of your ship. You were sentenced to forfeitures of \$249, and confinement at hard labor for three months. Your misconduct continued and on 18 November 1966, you received NJP for being UA one day, missing the movement of your ship, and failure to obey a lawful order. On 30 November 1966, you received your fifth NJP for failure to obey a lawful order, and being disrespectful toward a petty officer. On 30 November 1966, you were advised that your commanding officer was recommending you for administrative separation with an other than honorable (OTH) discharge due to unfitness. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). Your commanding officer

forwarded his recommendation that you be discharged with an OTH by reason of unfitness. On 8 February 1967, the discharge authority directed an OTH discharge by reason of unfitness. On 28 February 1967, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, given your record of five NJP's and convictions by two SPCM's of misconduct. The Board also noted that you waived the right to an ADB, your best opportunity for retention or a better characterization of service. 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