



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

TJR
Docket No: 6184-10
14 April 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 12 April 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 30 November 1951 at age 23 and served for nearly a year without disciplinary incident, but on 2 October 1952, you received nonjudicial punishment (NJP) for shirking duty. During the period from 10 March to 30 November 1953 you received NJP on three more occasions for disobedience and two periods of unauthorized absence (UA) totalling 12 days.

During the period from 24 February to 2 July 1954 you were again the subject of NJP on four more occasions. Your offenses were drunk and disorderly conduct, a two day period of UA, absence from your appointed place of duty, failure to perform extra duty, and failure to report for extra duty. About four months later, on 22 November 1954, you were convicted by summary court-martial (SCM) of willful disobedience and making a false official statement. You were sentenced to restriction and hard labor for 20 days and a reduction in rate. The rate reduction was

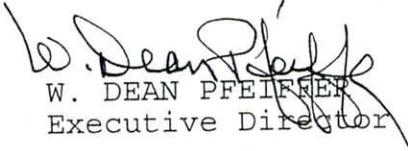
suspended for six months. The record reflects that on 16 December 1954 you failed to report to your assigned place of duty and made a false official statement. However, the record does not reflect the disciplinary action taken, if any, for this misconduct.

Subsequently, you were processed for an administrative separation by reason of unfitness as evidenced by your record of eight NJPs and a SCM. On 13 January 1955 an administrative discharge board (ADB) and your commanding officer recommended an undesirable discharge by reason of unfitness. On 8 February 1955 were issued an undesirable discharge by reason of unfitness.

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. It also considered your assertion that you were told that the characterization of your separation could be upgraded six months after your discharge provided you were not the subject of any further misconduct. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in eight NJPs and a SCM. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct. 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