



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

SJN
Docket No: 02088-11
2 December 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 29 November 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.

On 27 January 1959, you reenlisted in the Navy after serving over 10 years of honorable service. The Board found that you received two nonjudicial punishments (NJP's) for dereliction of duty, causing a breach of the peace, and use of profane language. You were also convicted by summary court-martial (SCM) of two specifications of disobedience. Additionally, you were convicted by special court-martial (SPCM) of disobedience, using disrespectful language, assault, disorderly conduct, and communicating a threat. You were sentenced to confinement at hard labor, a forfeiture of pay, and a reduction in paygrade. Subsequently, you were processed for an undesirable discharge by reason of unfitness. You elected to consult counsel and have your case heard before a board of officers. On 15 March 1960 the board of officers recommended an undesirable discharge by reason of unfitness. On 21 March 1960, your commanding officer concurred with the board of officer's findings and forwarded his recommendation that you be discharged. He stated, in part, that you had a poor attitude, showed no desire to advance in your rating, lacked professional pride, had a complete lack of petty

officer potential, and continued to be a disciplinary problem. On 12 April 1960, the separation authority directed an undesirable discharge by reason of unfitness. On 26 April 1960 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and prior honorable service. Nevertheless, the board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of two NJP', SCM, and conviction by SPCM of very serious offenses. 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