



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

SJN
Docket No: 03123-11
17 January 2012

[REDACTED]

[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 12 January 2012. 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.

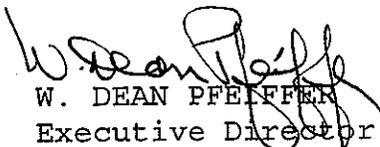
You enlisted in the Navy and began active duty on 27 August 1973. On 28 May 1974, you received nonjudicial punishment (NJP) for two instances of absence from your appointed place of duty, disobedience, robbery, burglary, and attempting to sell or dispose stolen property. On 10 July 1974, you were convicted by summary court-martial (SCM) of nine days of unauthorized absence (UA). On 12 September 1974, you were convicted of making a false official statement and four specifications of breaking restriction. On 25 February 1975, you received a second NJP for failure to go to your appointed place of duty. That same day, you submitted a written request for a good of the service discharge in order to avoid trial by court-martial for two specifications of failure to go to your appointed place of duty and three days of UA. Prior to submitting this request for discharge, you conferred with a qualified military lawyer, were advised of your rights, and were warned of the probable adverse

consequences of accepting such a discharge. On 4 April 1975, your request for discharge was granted. Unfortunately, on 30 April 1975, you were convicted by a second SPCM of larceny of government property, carrying a concealed weapon, and uttering nine bad checks. You were sentenced to confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). On 28 May 1975, you waived your right to request restoration to full duty and received your BCD on 18 February 1976.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's, SCM, and two SPCM convictions for 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