



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

SJN

Docket No: 03702-11

27 January 2012

[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 24 January 2012. 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.

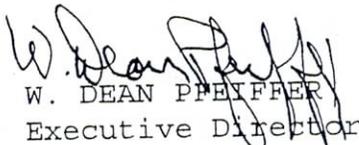
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 3 December 1965, you reenlisted in the Navy after three years of honorable service. The Board found that you received two nonjudicial punishments (NJP's) for unauthorized absence (UA) and absence from your appointed place of duty. On 28 July 1966, you were convicted by special court-martial (SPCM) of three specifications of UA totaling 45 days, disobedience, two specifications of breaking arrest, and breaking restriction. You were sentenced to confinement at hard labor, a forfeiture of pay, a reduction in paygrade, and a bad conduct discharge (BCD). You received the BCD on 12 December 1966 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, post service accomplishments, character letters, and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's and SPCM conviction of very serious offenses. Finally, on 7 November 1966, you waived your right to request restoration to full duty stating, in part, "I am fed up with the military life and I can't see going back to duty". 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