



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

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Docket No. 2913-21
Ref: Signature Date

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Dear █

This is in reference to your application for correction of your naval record pursuant to Section 1552 of Title 10, United States Code. After careful and conscientious consideration of relevant portions of your naval record and your application, the Board for Correction of Naval Records (Board) found the evidence submitted insufficient to establish the existence of probable material error or injustice. Consequently, your application has been denied.

A three-member panel of the Board, sitting in executive session, considered your application on 23 November 2021. 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, relevant portions of your naval record and applicable statutes, regulations, and policies.

On 29 September 1957, you enlisted into the U.S. Naval Reserve. On 29 August 1958, you entered active duty in the U.S. Navy for 4 years. On 16 May 1960, you were advanced to EM2/E-5. On 15 September 1961, you received a Summary Court-Martial for the following violations of Uniform Code of Military Justice (UCMJ) Articles 108 and 91. You were found guilty and were reduced to the grade of EM3/E-4 and forfeiture of \$75.00 per month of one month. The sentence was approved by the Convening Authority on 15 September 1961. On 11 December 1961, you received Non-Judicial Punishment for violation of UCMJ article 86. On 20 December 1961, you were honorably discharged as a Petty officer Third Class/E-4 for unsuitability, and you were not recommended for reenlistment.

You requested to have your EM3 changed to EM2 on your DD Form 214; the Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, to include your assertions. However, the Board concluded that as a result of your Summary Court-Martial, you were reduced in rank and your DD Form 214 reflects the proper rank of EM3. Furthermore, there is no evidence in your Official Military Personnel File regarding the Summary Court-Martial except for the Court Memorandum. Unfortunately, the Board cannot rely solely on your statements to justify changing punishment imposed on you 60 years ago.

The Board determined that your personal appearance, with or without counsel, would not materially add to their understanding of the issues involved. Therefore, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

You are entitled to have the Board reconsider its decision upon submission of new matters, which will require you to complete and submit a new DD Form 149. New matters are those not previously presented to or 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,

12/13/2021

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Deputy Director

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