



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

TJR
Docket No: 918-01
18 July 2001

[REDACTED]

Dear [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 10 July 2001. 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.

The Board found you enlisted in the Navy on 18 April 1963 at the age of 17. Your record reflects that during the period from 20 January to 17 December 1964 you received nonjudicial punishment (NJP) on four occasions for failure to obey a lawful order, destruction of government property, skylarking, absence from your appointed place of duty, and two periods of unauthorized absence (UA) totalling six days.

Your record further reflects that on 19 February 1965 you were convicted by summary court-martial (SCM) of a 15 day period of UA, failure to obey a lawful order, and assault. You were sentenced to restriction for 60 days, a \$72 forfeiture of pay, and reduction in rate. On 22 April 1965 you received NJP for absence from your appointed place of duty and were awarded

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restriction for 10 days. Shortly thereafter, on 8 June 1965, you received NJP for misbehavior as sentinel, failure to go to your appointed place of duty, and failure to obey a lawful order. The punishment imposed was restriction and extra duty for 45 days and a \$45 forfeiture of pay.

On 10 June 1965 you were notified of pending administrative separation action by reason of unfitness due to repeated military offenses. You then waived your rights to consult with legal counsel, present your case to an administrative discharge board, or submit a statement in rebuttal to the discharge. On 13 June 1965 your commanding officer recommended you be issued an other than honorable discharge by reason of unfitness due to repeated military offenses as evidenced by six NJPs and a court-martial conviction. On 25 June 1965 the discharge authority approved the recommendation for separation but directed that execution of the discharge be suspended for one year, conditioned on your good behavior. However, on 2 July 1965, you received your seventh NJP for being drunk on duty and failure to obey a lawful order. The punishment imposed was confinement on bread and water for three days. Subsequently, the undesirable discharge was ordered executed and on 4 July 1965 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that because you were unsuitable for the service and unable to positively adjust to military environment, under current standards, you would have received an entry level separation or an honorable discharge. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct which resulted in seven NJPs and a court-martial conviction. Also, the Board noted that you committed an offense after the probationary period was directed by the discharge authority. Further, your characterization of service would be appropriate even under current standards. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. 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