



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

TJR  
Docket No: 2747-01  
18 September 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 13 September 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 11 June 1958 at the age of 20. Your record reflects that on 21 March 1959 you received nonjudicial punishment (NJP) for a seven day period of unauthorized absence (UA) and were awarded restriction for 14 days. On 7 October 1959 you were convicted by special court-martial (SPCM) of a 34 day period of UA and sentenced to a \$136 forfeiture of pay and a reduction in rate.

Your record further reflects that on 14 July 1960 you were convicted by SPCM of three periods of UA totalling 42 days and breaking restriction. You were sentenced to confinement at hard labor for three months, a \$129 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 31 August 1960 you submitted a written request for immediate execution of the BCD stating, in part, that you had no desire to stay in the Navy. Subsequently, the BCD was approved at all levels of review, and on 28 September 1960 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as

your youth and immaturity. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct which resulted in two court-martial convictions and a NJP. Given 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