



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

TJR
Docket No: 4484-01
19 December 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 11 December 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 25 July 1956 at the age of 17. Your record reflects that you served for a year and five months without disciplinary incident but on 30 December 1957 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded extra duty for 20 hours. Approximately a year later, on 16 December 1958, you received NJP for possession of two identification (ID) cards, lending an ID card, and wearing civilian clothing aboard your ship. The punishment imposed was restriction for two weeks.

Your record further reflects that on 1 May 1959 you were convicted by special court-martial (SPCM) of an 81 day period of unauthorized absence (UA), breaking restriction, and altering an ID card. You were sentenced to confinement at hard labor for four months, a \$280 forfeiture of pay, and a bad conduct discharge (BCD). On 10 July 1959 you submitted a written request for immediate execution of the BCD, stating that you did not desire to remain in the Naval Service. Subsequently, the BCD was approved at all levels of review, and on 25 September 1959 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and post service conduct. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, which resulted in two NJPs and a court-martial conviction. The Board especially noted your lengthy period of UA. 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