



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

TJR
Docket No: 4552-01
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 February 1965 at the age of 18. Your record reflects that you served for a year without disciplinary incident but on 25 February 1966 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded a suspended reduction to paygrade E-3. Approximately a year and nine months later, on 28 November 1967, you were convicted by special court-martial (SPCM) of larceny of a wallet containing \$174. You were sentenced to reduction to paygrade E-3 and confinement at hard labor for 45 days.

Your record further reflects that on 23 April 1969 you were convicted by SPCM of a 214 day period of unauthorized absence (UA). You were sentenced to confinement at hard labor for four months, a \$280 forfeiture of pay, and reduction to paygrade E-1.

On 16 June 1969 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. At that time you waived your rights to consult with legal

counsel, to present your case to an administrative discharge board, and to submit a statement in rebuttal to the discharge action. On 19 June 1969 your commanding officer recommended you be discharged under other than honorable conditions by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. On 2 July 1969 the discharge authority directed an other than honorable discharge by reason of misconduct, and on 21 July 1969 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 contentions that you were harassed and suffer from post traumatic stress disorder (PTSD). However, the Board noted that you submitted no evidence in support of these contentions, and the record contains no such evidence. The Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct and especially 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