



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

TJR
Docket No: 6399-01
20 February 2002

[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 12 February 2002. 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 August 1965 at the age of 20. Your record reflects that on 13 June 1966 you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA) and were awarded a \$23 forfeiture of pay, reduction to paygrade E-1, and restriction for 14 days. On 4 August 1966 you were convicted by summary court-martial (SCM) of an 11 day period of UA. You were sentenced to hard labor for 25 days, restriction for 25 days, and a \$60 forfeiture of pay.

On 17 January and again on 1 November 1967 you received NJP for failure to obey a lawful order and two periods of UA totalling five days. On 9 May 1968 you were convicted by special court-martial (SPCM) of an 86 day period of UA and were awarded confinement at hard labor for five months and a \$450 forfeiture of pay.

Your record further reflects that on 26 February 1969 you were convicted by SPCM of a 105 day period of UA. However, the charges were dismissed because you did not receive a speedy trial. On 14 April 1969 you were convicted by SPCM of a 24 day

period of UA. You were sentenced to confinement at hard labor for six months and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, you were so discharged on 30 January 1970.

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 your repetitive misconduct, which resulted in four NJPs and three court-martial convictions. The Board also noted the 105 day period of UA for which you did not receive disciplinary action. 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