



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

TRG
Docket No: 7141-01
8 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 of the 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 5 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 27 February 1957 at age 17. You served without incident until 23 May 1958, when you were convicted by a special court-martial of two periods of unauthorized absence totaling 37 days and disobedience. During the period from 12 February 1959 to 26 December 1960 you received nonjudicial punishment on four occasions and were convicted by four summary courts-martial. Your offenses were five periods of unauthorized absence totaling about 11 days, two instances of disobedience, disrespect, wrongful possession of a liberty pass and destruction of property.

Based on the foregoing record of misconduct, you were processed for an administrative discharge. An administrative discharge board (ADB) met on 3 January 1961 and recommended that you be discharged for unfitness with an undesirable discharge. After review by the discharge authority, this recommendation was approved. After the ADB and prior to discharge, you received another nonjudicial punishment and were convicted by a fifth summary court-martial. Your offenses were possession of a false liberty card and an unauthorized absence of about seven days. There is another period of unauthorized absence of about one day

for which no disciplinary action was taken. The undesirable discharge was issued on 30 March 1961.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and low score on the aptitude test. The Board also considered the fact that you are now in an assisted living facility because you are a double amputee. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your repeated misconduct. The Board believed that after being punished by a special court-martial for unauthorized absence, you had to know the possible consequences of continuing misconduct. Therefore, your offenses after the special court-martial were considered to be indicative of willful misconduct. The Board concluded that the 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