



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

FC  
Docket No: 01565-03  
8 September 2003

[REDACTED]

[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 4 September 2003. 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.

The Board found that you enlisted in the Navy on 2 November 1959 at age 17. On 28 December 1960 you received nonjudicial punishment (NJP) for shirking duty, and were awarded extra duty.

On 5 April 1961 you were convicted by special court martial (SPCM) of a 41-day period of unauthorized absence and missing ship's movement. You were sentenced to confinement at hard labor for three months, forfeitures of pay, reduction to paygrade E-1 and a bad conduct discharge (BCD). The BCD was suspended for six months. During confinement, you received a second and third NJP on 9 May 1961 and 29 May 1961, for failure to obey lawful orders, and were awarded a restricted diet.

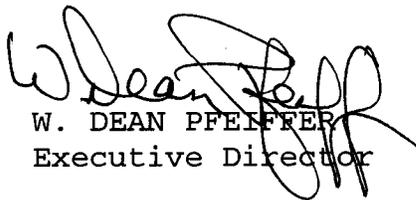
After your release from confinement, on 19 July 1961 you received a fourth NJP for two instances of failure to obey lawful orders and disrespect, and were awarded three days of confinement on

bread and water. On 4 December 1961 you received a fifth NJP for a three-day period of unauthorized absence. On that same day, the suspended BCD was ordered executed because of your continued misconduct. On 20 December 1961, you received the BCD.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and the length of time that has passed since you were discharged from the Navy. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge because of the lengthy period of unauthorized absence and missing ship's movement that resulted in the conviction by SPCM. Further, the Board noted that after the BCD was suspended for six months, you failed to take advantage of this opportunity to earn a better characterization of service and continued to commit misconduct that resulted in four more NJPs. 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