



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

SJN  
Docket No: 127775-09  
16 September 2010

[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 14 September 2010. 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.

You reenlisted in the Navy on 22 December 1960 after two years of honorable service. The Board found that during the period from 22 August 1961 to 17 April 1962, a period of just eight months, you received three nonjudicial punishments (NJP's) for three periods of unauthorized absence (UA) totaling three days, and were convicted by three summary courts-martial (SCM) of two specifications of UA totaling 13 days, missing movement, and breaking restriction. Subsequently, administrative discharge action was initiated and it was recommended that you receive an undesirable discharge by reason of unfitness. You waived all of your procedural rights and on 8 May 1962, you received an other than honorable discharge due to unfitness.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given

your four NJP's and three SCM convictions for serious offenses. 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