



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

REC
Docket No: 03549-10
17 February 2011

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 16 February 2011. 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 enlisted in the Navy and began a period of active duty on 15 September 1964. On 25 March 1965, you received nonjudicial punishment (NJP) for being drunk and disorderly. On 20 April 1965, you received NJP for damaging government property. On 21 July 1965, you received NJP for being derelict in the performance of your duties. On 17 August 1965, you received NJP for wrongful appropriation of a Bowie knife. On 3 November 1965, you were convicted by a special court-martial (SPCM) of being in an unauthorized absence (UA) status for 24 days. You were sentenced to forfeitures of \$120, reduction in pay grade, and confinement at hard labor for 60 days. On 23 November 1965, administrative separation action was initiated by reason of unfitness. You waived your rights to consult counsel, submit a statement or have your case heard by an administrative discharge board (ADB). Your commanding officer forwarded his recommendation that you receive a general discharge by reason of unfitness. The discharge authority directed a general discharge by reason of unfitness. You were so discharged on 9 December 1965.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of four NJP's, and conviction by a SPCM. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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