



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

SJN  
Docket No: 05064-10  
4 April 2011

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 29 March 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 reenlisted in the Navy on 13 December 1955 after three years of honorable service. The Board found that you received nonjudicial punishment (NJP) for two days of unauthorized absence (UA). On 10 and 20 April 1956, you were convicted by summary courts-martial (SCM) of two days of UA and disobedience. On 9 July 1956, you were convicted by special court-martial (SPCM) of missing movement, disobedience, and 10 days of UA. Finally, on 25 April 1957, you were convicted by general court-martial (GCM) of an 84 day period of UA, that ended only in your apprehension, and missing movement. You were sentenced to a forfeiture of pay, a reduction in paygrade, confinement at hard labor, and a bad conduct discharge (BCD). After you waived your right to request restoration, you received the BCD on 21 January 1958 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were

not sufficient to warrant recharacterization of your discharge given your NJP, two SCM's, conviction by SPCM, and GCM for a lengthy period of UA and missing movement. 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