



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

TJR
Docket No: 11002-10
20 July 2011

[REDACTED]

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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 19 July 2011. The names and votes of the members of the panel will be furnished upon request. 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 on 11 March 1965 at age 17. You served without disciplinary incident until 22 October 1965, when you were convicted by summary court-martial (SCM) of a 17 day period of unauthorized absence (UA) and sleeping on watch. You were sentenced to confinement at hard labor for 25 days, a \$50 forfeiture of pay, and reduction to paygrade E-1.

On 22 June and again on 12 September 1966 you were convicted by SCM of two periods of UA totalling three days, failure to obey a lawful order, two periods of absence from your appointed place of duty, and breaking restriction. You also received nonjudicial punishment (NJP) on 18 August 1966 for failure to go to your appointed place of duty and failure to obey a lawful order.


Subsequently, you were processed for an administrative separation by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. You submitted a written request for discharge in which you noted, in part, that you were too immature to be retained and that you would get into

more trouble because you did not like the regulations of the Navy. After waiving your procedural rights to consult with legal counsel and to present your case to an administrative discharge board, the discharge authority directed your commanding officer to issue you an undesirable discharge, and on 18 October 1966, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your letter of explanation regarding your period of service and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in an NJP and three court-martial convictions. Further, you were given an opportunity to defend yourself, but waived your procedural rights and requested discharge from the Navy. Finally, no discharge is upgraded due solely to the passage of time. Accordingly, your application has been denied.

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