



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

TAL  
Docket No: 11921-10  
10 August 2011

[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 3 August 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 28 January 1965 at age 18. You received nonjudicial punishment (NJP) on two occasions for drunk and disorderly conduct and insubordinate conduct toward a noncommissioned officer. On 13 January 1966, you were convicted by special court-martial (SPCM) of two instances of unauthorized absence (UA) from your unit for periods totaling 24 days and breaking restriction. The sentence imposed was confinement for two months and a forfeiture of pay. On 13 July 1966, you were convicted by summary court-martial (SCM) of two instances of UA from your unit for periods totaling 12 days. On 11 November 1966, you were again convicted by SCM of being drunk on duty, breaking restriction, four instances of failure to go to your appointed place of duty and three instances of UA from your unit for a period totaling three days. After your second SCM, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. You were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to misconduct. You waived all of your procedural rights,

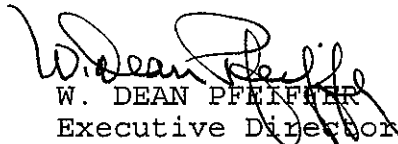
including your right to an administrative discharge board (ADB). On 14 December 1966, the separation authority approved the OTH discharge for misconduct. On 29 December 1966 you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in two NJPs, two SCMs and a SPCM. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board recommended that you should contact the Department of the Navy, Navy Personnel Command (BUPERS), Code Pers-3C, 5720 Integrity Drive, Millington, TN 38055-3120 to request a copy of your Certificate of Discharge or Release from Active Duty (DD Form 214).

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