



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

TJR
Docket No: 1167-01
26 July 2001



Dear [REDACTED]

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 17 July 2001. 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.

The Board found you reenlisted in the Navy on 28 June 1962 after eight years of prior honorable service. Your record reflects that you continued to serve without disciplinary incident until 4 April 1963 when you began a 769 day period of unauthorized absence (UA). On 19 January 1965, while you were still in a UA status, you were sent a letter notifying you of pending administrative separation action by reason of misconduct due to the prolonged period of UA.

On 3 May 1965 the discharge authority directed an undesirable discharge by reason of misconduct due to prolonged unauthorized absence, and on 14 May 1965 you were so discharged. On 17 May 1965 you were notified, by mail, of the foregoing discharge procedure and were provided a certificate of discharge. You were also requested to acknowledge receipt the letter. The letter noted, in part, as follows:

"In view of your long absence from the Naval Service since 4 April 1963, the Chief of Naval Personnel desires to close the records in your case, and has therefore discharged you as of 14 May 1965 without trial with an undesirable discharge by reason of prolonged unauthorized absence of one year or more. Your discharge certificate is enclosed. It is requested that you acknowledge receipt of the discharge certificate by signing the statement on the copy of this letter and return the signed copy to the Bureau in the enclosed envelop."

Your record contains an entry dated 16 December 1965 which notes that the acknowledgement was not returned to the Bureau of Naval Personnel.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that your discharge was unjust because you were separated while in a UA status and without proper notification. The Board further considered your contention that your discharge should be upgraded so that you may obtain medical benefits. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your lengthy period of UA. Further, the Board noted that although you may not have received the letter notifying you of the separation action, you were at best partially to blame because of your lengthy period of UA. Further, the Board concluded that even if you had been notified and submitted a response, you would have been discharged. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

Further, the Board noted that as a result of your prior honorable service you may be eligible for veterans' benefits. You should contact the nearest office of the Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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