



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

TJR
Docket No: 6684-01
12 March 2002



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 5 March 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 enlisted in the Navy on 1 April 1966 at the age of 18. Your record reflects that you served for a year without disciplinary incident, but on 10 April 1967 you received nonjudicial punishment (NJP) for underage drinking, failure to go to your appointed place of duty, and absence from your appointed place of duty. The punishment imposed was a \$60 forfeiture of pay and restriction for 60 days.

A year later, on 12 April 1968, you were convicted by special court-martial (SPCM) of three periods of unauthorized absence (UA) totalling 62 days and breaking restriction. You were sentenced to a \$280 forfeiture of pay, confinement at hard labor for four months, reduction to paygrade E-2, and a bad conduct discharge (BCD). However, before the BCD could be executed, you committed further misconduct.

On 12 November 1968 you were convicted by summary court-martial (SCM) of a 70 day period of UA and were sentenced to confinement at hard labor for 20 days and a reduction to paygrade E-1. On 29 January 1969 you were convicted by SCM of a 20 day period of UA and were sentenced to confinement at hard labor for 20 days.

The BCD adjudged at the SPCM of 12 April 1968 was approved and on 14 February 1969 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 immaturity. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in a NJP and three court-martial convictions for offenses which include periods of UA totalling about five months. 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.

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