



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

TRG
Docket No: 6935-01
10 May 2002

[REDACTED]

[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 7 May 2002. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 12 January 1965 at age 17 on a minority enlistment. This was an enlistment which would expire the day before your 21st birthday, on 1 May 1968. The record shows that during the period 28 July 1965 to 3 October 1967 you received nonjudicial punishment on two occasions and were convicted by a summary court-martial. Your offenses were two instances of disrespect, disobedience, communicating a threat and possession of two identification cards.

A special court-martial convened on 18 January 1968 and convicted you of an unauthorized absence of about three hours, wearing an improper uniform and wrongful appropriation of a Navy vehicle. The court sentenced to a reduction to pay grade E-1, a forfeiture of \$909.80, and confinement at hard labor for three months.

You were placed in confinement on 23 January 1968 and remained in confinement until you were restored to duty on 2 April 1968. In accordance with regulations in effect at the time, you were advanced to pay grade E-2 on the latter date.

At that time, your enlistment was extended to 16 July 1968 to make up for the time lost while you were in confinement. You

were released from active duty on 18 April 1968 with your service characterized as honorable. At that time, you had completed 3 years and 23 days of active service. The reason for your separation was "release from active duty within three months of expiration of USN contract and concurrent transfer to Naval Reserve". Subsequently, you were issued an honorable discharge at the end of your military obligation.

You contend in your application that the date of release from active duty should be 1 May 1968, at the expiration of your enlistment, and the 18 April 1968 date is in error.

Regulations in effect at the time of your release from active duty allowed for early release from active duty in certain circumstances. The regulations as they apply to your case allow early separation for the convenience of the government in those cases where an individual is at a separation activity and does not desire to reenlist, or at a receiving command awaiting reassignment. Since you were released from confinement with less than three months remaining on your enlistment it would not have been cost effective to keep you in the Navy solely to complete your enlistment. The Board concluded that you were properly released from active duty on 18 April 1968 and a change in the date of your release was not 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