



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

TJR
Docket No: 8556-01
10 June 2002

[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 4 June 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 11 July 1957 at the age of 18. On 21 November 1957 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded extra duty for nine hours.

On 21 April 1958 you were convicted by summary court-martial (SCM) of a nine day period of unauthorized absence (UA) and sentenced to restriction for 45 days. On 12 September 1958 and again on 23 March 1959 you received NJP for absence from your appointed place of duty. On 11 June 1959 you were convicted by special court-martial (SPCM) of an eight day period of UA and sentenced to confinement at hard labor for two months, a \$100 forfeiture of pay, and reduction to paygrade E-1. On 1 December 1959 you were again convicted by SCM of a 14 day period of UA and sentenced to confinement at hard labor for a month and a \$75 forfeiture of pay.

On 25 February 1960 you received your fourth NJP for urinating in an overhang area and were awarded confinement for two days. On 8 August 1960 you were convicted by SPCM of a 107 day period of UA.

You were sentenced to confinement at hard labor for six months, a \$420 forfeiture of pay, and a bad conduct discharge (BCD). On 20 October 1960 you submitted a written request for immediate execution of the BCD. Your request stated, in part, as follows:

My family life is in quite a mess and I feel that it is my job to take care of them. My mom and dad are overseas and they can't help them so its up to me. I can't help them in the Navy. Life is what a man makes it. It can be only as good as he makes it and I intend to make good.

The BCD was subsequently approved at all levels of review and ordered executed. On 29 December 1960 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and your contentions that you could not adapt to military life, and that you would like your discharge upgraded so that you may receive medical benefits. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in four NJPs and four court-martial convictions. Further, no discharge is automatically upgraded due to an individual's good behavior after discharge. Given all the circumstances in 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