



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

CRS
Docket No: 3847-02
26 August 2002

[REDACTED]

[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 21 August 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.

The Board found that you enlisted in the Navy on 28 April 1966. Prior to the offenses for which you received a punitive discharge, you received five nonjudicial punishments and were convicted by two courts-martial. The offenses included unauthorized absences totalling 145 days, failure to obey a lawful order, disrespect, missing ship's movement on two occasions, and breaking restriction.

A third special court-martial convened on 3 November 1970 and found you guilty of unauthorized absences totalling 185 days. The court sentenced you to confinement at hard labor for five months, forfeitures of \$91 per month for five months, reduction in pay grade, and a bad conduct discharge. After completion of appellate review, you received the bad conduct discharge on 3 March 1972.

On 12 January 1976 you were issued a clemency discharge. This action restored civil rights, although not veterans rights or benefits.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your eight disciplinary actions during an enlistment that lasted less than six years. The Board also noted that your unauthorized absences totalled eleven months. 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