



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

TJR  
Docket No: 5428-01  
10 May 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 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, and applicable statutes, regulations, and policies. The Board was unable to obtain your naval record, and conducted its review based on the documentation you submitted with your application.

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 6 April 1955 at the age of 17. Your case file reflects that on 30 January 1957 you were convicted by special court-martial (SPCM) of three periods of unauthorized absence (UA) totalling 19 days, absence from your appointed place of duty, and failure to obey a lawful order. You were sentenced to reduction to paygrade E-1, confinement at hard labor for six months, a \$300 forfeiture of pay, and a bad conduct discharge (BCD). However, the BCD was suspended for six months.

A year later, on 31 January 1958, you were convicted by SPCM of a 109 day period of UA. You were sentenced to confinement at hard labor for six months, reduction to paygrade E-1, a \$390 forfeiture of pay, and a BCD. The BCD was subsequently approved at all levels of review, and on 27 June 1958 you were so discharged.

The Board, in its review of your case file and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that you were told that your discharge would be upgraded six months after your separation. The Board also considered your contentions that you have been suffering with narcolepsy which resulted from an insect bite you received while serving in the Mediterranean. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, especially, the lengthy period of UA. The Board noted that you were afforded the opportunity to receive a better characterization of service when the BCD from the first SPCM was suspended, but your misconduct continued. Also, no discharge is upgraded merely due to the passage of time. Further, the Board noted that there you submitted no evidence to support your contention of a service-connected medical condition, specifically, narcolepsy. 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