



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

TJR
Docket No: 5744-00
26 February 2001

[REDACTED]

Dear [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 13 February 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 3 June 1957 after four years of prior honorable service in the U. S. Army.

Your record reflects that on 4 March 1958 you were convicted by summary court-martial (SCM) of a 41 day period of unauthorized absence (UA) and were sentenced to a \$70 forfeiture of pay. On 28 October 1958 you were convicted by SCM of a two day period of UA. You were sentenced to a \$90 forfeiture of pay and restriction for 30 days.

Your record further reflects that on 3 February 1959 you received nonjudicial punishment (NJP) for a day of UA and were awarded restriction for a week. Shortly thereafter, on 24 April 1959, you again received NJP for a day of UA and were awarded restriction for a week. On 13 July 1959 you were convicted by SCM of a 20 day period of UA. You were sentenced to restriction for 60 days and reduction to paygrade E-1.

On 24 April 1960 you were convicted by civil authorities of driving without a valid license. You were sentenced to

confinement for 10 days and a \$100 fine. On 23 June 1960 you were convicted by special court-martial (SPCM) of a 43 day period of UA. You were sentenced to confinement at hard labor for three months, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 30 August 1960 you submitted a written request for immediate execution of the BCD. Your requested noted, in part, as follows:

"It would not be possible for me to adjust to military life with my outlook on it now. The possibilities of regaining the standings held before are too slim."

Subsequently, the BCD was approved at all levels review, and on 9 September 1960 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, prior honorable service, and your contention of prejudicial mistreatment. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge given your repetitive misconduct, which resulted in two NJPs, four court-martial convictions, and a civil conviction. Further, the Board noted your request for immediate execution of the BCD in stead of restoration to duty. The Board also noted that there is no evidence in your record, and you submitted none, to support your contention of prejudicial mistreatment. The Board further concluded that 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