



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

TJR
Docket No: 10232-02
8 September 2003

[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 3 September 2003. 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 19 November 1965 at age 17. On 31 August and again on 28 December 1966 you received nonjudicial punishment (NJP) on two occasions for a total of two days of unauthorized absence (UA). On 21 February 1967 you received NJP for absence from your appointed place of duty and were awarded a \$36 forfeiture of pay and restriction for 10 days. On 27 September 1967 you were convicted by summary court-martial (SCM) of two periods of UA totalling three days and absence from your appointed place of duty. You were sentenced to a \$50 extra duty and restriction for 45 days.

On 3 January 1968 you received your fourth NJP for a one day period of UA and were awarded a reduction to paygrade E-2. Shortly thereafter, on 11 January 1968, you were notified of pending administrative separation action by reason of unfitness. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 16 January 1968 you received NJP for a two day period of UA. The punishment imposed was confinement on bread and water for three days and a \$25 forfeiture of pay.

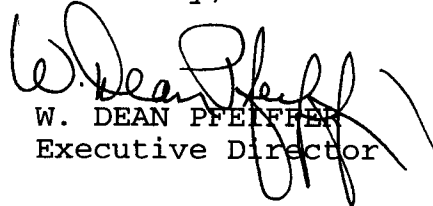
Subsequently, your commanding officer recommended you be issued an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. On 6 February 1968 the discharge authority approved this recommendation, however, on 13 February 1968, the discharge was suspended for a 12 months provided that you were not involved in any further disciplinary incidents. Approximately nine months later, on 5 November 1968, you received NJP for making unauthorized telephone calls valued at \$66.95. The punishment imposed was restriction for 30 days and a \$50 forfeiture of pay. As a result of this misconduct, the discharge authority directed that the previously approved undesirable discharge be executed, and on 3 January 1969 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. The Board further considered your request for an explanation of your reason of separation, which was unfitness due to your frequent involvement of a discreditable nature with military authorities. Nevertheless, the Board concluded recharacterization of your discharge was not warranted because of your repetitive misconduct which resulted in six NJPs and a court-martial conviction. 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