



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

TJR
Docket No: 7625-07
9 July 2008

[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 8 July 2008. 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 20 April 1965 at age 17. You served for a year and five months without disciplinary incident, however, on 23 and 27 September 1966, you received nonjudicial punishment for absence from your appointed place of duty and failure to obey a lawful order.

On 13 February 1968 you were convicted by a special court-martial (SPCM) of a 140 day period of unauthorized absence (UA). You were sentenced to confinement at hard labor for three months and a \$180 forfeiture of pay.

On 21 March 1969 you were again convicted by SPCM of a 186 day period of UA and sentenced to confinement hard labor for four months, a \$388 forfeiture of pay, and a bad conduct discharge (BCD). Shortly thereafter, on 9 May and 20 June 1969, you waived your right to request restoration to duty and further requested that the BCD be immediately executed because you believed that if

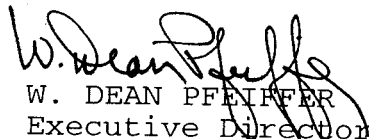
you were restored to duty, you would only go UA again. On 27 June 1969, after the BCD was approved at all levels of review, you were issued a BCD. Nonetheless, upon satisfactory completion of reconciliation service, you were issued a Certificate of Completion from the Selective Service System. In accordance with a recommendation of the Presidential Clemency Board, you received an executive grant of clemency and a pardon pursuant to Presidential Proclamation 4313.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and assertion of community services and achievements. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the frequency and seriousness of your lengthy periods of UA from the Navy during a time of war. Further, the Board noted that your discharge was changed to a clemency discharge, but concluded that recharacterization to honorable or general under honorable conditions was not 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