



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

SMW
Docket No: 10634-07
31 July 2008



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 30 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.

On 9 July 1958, you enlisted in the Navy at age 17 with parental consent. During the period 12 January 1959 to 29 March 1961, you had two nonjudicial punishments and were convicted by a summary court-martial. Your offenses included a two day period of unauthorized absence, failure to make your bunk properly, public intoxication, and breaking restriction. On 14 June 1961, you were convicted by a special court-martial of unlawful entrance into a store room with intent to commit larceny and larceny of five watches, 30 packages of razor blades, 72 cigarette lighters, and four electric razors in which the total value was \$425.61. The sentence included confinement at hard labor, reduction in rank, forfeitures of pay, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 19 October 1961, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and desire for a better discharge. The Board also considered the character reference letters and your explanation of events. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct. Therefore, the Board concluded that the 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