



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

SJN
Docket No: 01122-09
8 December 2009

[REDACTED]

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 1 December 2009. 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 and began a period of active duty on 20 June 1963 at age 18. During the period from 10 July 1964 to 21 December 1965, you received four nonjudicial punishments (NJP's) for disobedience, absence from your appointed place of duty, and two periods of unauthorized absence (UA) totaling 18 days. On 28 March 1966, you were convicted by summary court-martial (SCM) of 12 days of UA. On 17 October 1966, you were convicted by special court-martial (SPCM) of 135 days of UA and disobedience. You were sentenced to a reduction in paygrade, confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). However, on 6 March 1967, the Naval Clemency Parole Board remitted your BCD due to an adverse neuropsychiatric evaluation that diagnosed you with borderline defective intelligence. You were notified of pending administrative separation action by reason of convenience of the government due to the diagnosed disorder. You were afforded all of your procedural rights including the opportunity to submit a statement on your behalf. Your commanding officer directed separation by reason of unsuitability with a general discharge. You were so discharged on 3 April 1967.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.6. At the time of your service, a conduct average of 3.0 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, over all record of service, and character letter. Nevertheless, the Board found that these factors were not sufficient to warrant a change in your characterization of service given your four NJP's, SCM conviction, conviction by SPCM for a period of UA totaling over four months, and especially the diagnosed medical condition. 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