



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

TJR  
Docket No: 1728-09  
11 January 2010

[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 5 January 2010. The names and votes of the members of the panel will be furnished upon request. 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 21 November 1968 at age 19. You served without disciplinary incident until 1 October 1969, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. Shortly thereafter, on 29 October 1969, you received NJP for disobedience.

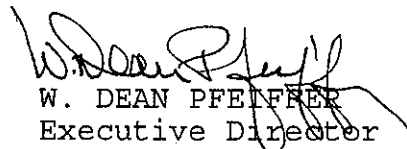
On 31 March and again on 15 April 1970 you received NJP for failure to go to your appointed place of duty, assault, and breach of the peace as a result of a fist fight. On 4 June 1970 you were convicted by summary court-martial (SCM) of two periods of failure to go to your appointed place of duty, absence from your appointed place of duty, and disobedience. On 24 July 1970 you received your fifth NJP for two periods of absence from your appointed place of duty.

Subsequently, you were processed for an administrative separation by reason of convenience of the government due to a reduction in authorized strength. The discharge authority directed separation under honorable conditions by reason of convenience of the government and on 12 August 1970, while serving in paygrade E-2, you were issued a general discharge and assigned an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your discharge and change your reenlistment code. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your reenlistment code because of the seriousness of your misconduct which resulted in five NJPs and a court-martial conviction. Accordingly, your application has been denied.

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