



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

SJN
Docket No: 09067-09
10 June 2010

[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 8 June 2010. 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.

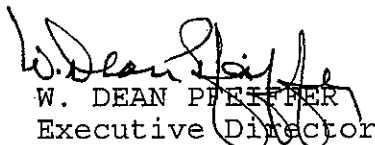
You enlisted in the Navy and began a period of active duty on 23 June 1955. The Board noted that you received four nonjudicial punishments (NJP's) for two periods of unauthorized absence (UA), two instances of disobedience, and gambling. You also were convicted by three summary courts-martial (SCM) of two periods of UA, two specifications of disobedience, and absence from your appointed place of duty. Finally, you were convicted by special court-martial (SPCM) of willful disobedience of a lawful order.

As a result of this misconduct, administrative discharge action was initiated and it was recommended that you receive an undesirable discharge by reason of unfitness. You were notified of pending administrative separation action and an administrative discharge board (ADB) recommended that you be discharged from the service with an undesirable discharge due to unfitness. Subsequently, your case was forwarded and you received an undesirable discharge on 29 April 1957.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and post service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your four NJP's, three SCM's, and conviction by SPCM for very serious offenses. 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