



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

TJR
Docket No: 9589-09
16 July 2010

[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 13 July 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 12 August 1964 at age 19 and served for approximately nine months without disciplinary infraction. However, your record reflects that during the period from 22 May 1965 to 28 August 1968 you were convicted by summary court-martial (SCM) of stealing and by special court-martial (SPCM) on three occasions of three periods of unauthorized absence (UA) totalling 194 days. It also reflects that you received nonjudicial punishment (NJP) on seven occasions for three periods of absence from your appointed place of duty, failure to obey a lawful order, and six periods of UA totalling 14 days.

Subsequently, you were processed for an administrative separation by reason of unfitness due to your overall record of disciplinary infractions. As a result of this action, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of unfitness, and on 13 December 1968, you were so discharged.

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. It also considered your assertion that your discharge was partially the result of your alcohol abuse. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in seven NJPs and four court-martial convictions for numerous disciplinary infractions, which also included repetitive and lengthy periods of UA from the Navy. 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