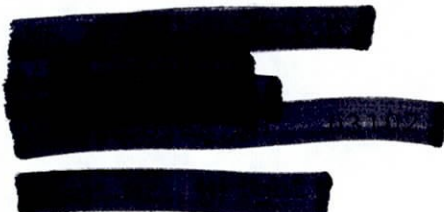




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 6105-10  
30 March 2011



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 29 March 2011. 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 reenlisted in the Navy on 1 May 1956 after three years of prior honorable service. You continued to serve without disciplinary infraction until 26 November 1956, when you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA) and were awarded extra duty for two weeks. About six months later, on 13 May 1957, you were convicted by special court-martial (SPCM) of a 38 day period of UA.

On 13 February 1958 you were convicted by SPCM of 195 day period of UA and failure to obey a lawful order. You were sentenced to confinement at hard labor for four months and a \$160 forfeiture of pay. On 20 June 1958, after waiving your procedural rights, you submitted a written request for an administrative separation due to personal, family, and financial reasons.

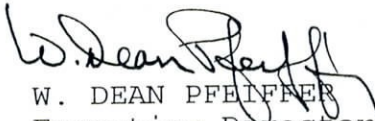
On 24 June 1958 your commanding officer recommended discharge under other than honorable conditions by reason of unfitness due to your repeated offenses. On 25 June 1958 you were convicted by

summary court-martial (SCM) of two periods of UA totalling nine days and failure to obey a lawful order. Although you waived your procedural rights, on 1 July 1958, an enlisted performance board (EPB) recommended an undesirable discharge by reason of unfitness. Subsequently, the discharge authority approved the recommendation of the EPB and directed your commanding officer to issue you an other than honorable discharge by reason of unfitness, and on 15 July 1958, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service, belief that you received a bad conduct (BCD) or dishonorable (DD) discharge, and desire to upgrade your discharge. It also considered the letter you submitted in support of your request from the Department of Veterans Affairs (DVA) of April 12, 2010. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which included two lengthy periods of UA and resulted in an NJP and three court-martial convictions. Finally, there is documented evidence in the record that is contrary to your and the DVA's belief that you have a BCD or DD. 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