



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

TJR  
Docket No: 8091-10  
26 January 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 19 January 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 enlisted in the Navy on 20 April 1959 at age 17 and began a period of active duty on 31 July 1961. You served without disciplinary incident until 6 October 1961, when you were convicted by summary court-martial (SCM) of sleeping on duty and were sentenced to hard labor for 30 days.

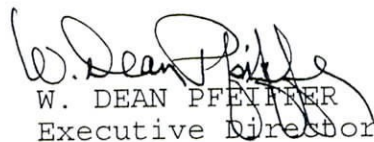
On 17 May and again on 13 August 1962 you were convicted by SCM of two periods of unauthorized absence (UA) totalling eight days, missing the movement of your ship, and failure to obey a lawful order. About four months later, during the period from 15 January to 1 August 1963, you were convicted by special court-martial (SPCM) on two occasions and also received nonjudicial punishment (NJP) on two occasions. Your offenses were three periods of UA totalling 108 days, breaking restriction, and wrongful possession of an altered identification card.

Subsequently, you were processed for an administrative separation by reason of unfitness. After waiving your procedural rights, you submitted a written statement in which you noted, in part, that you would not return to duty under any circumstances. On 6 September 1963 your commanding officer recommended discharge under other than honorable conditions by reason of unfitness as evidenced by your extensive record of disciplinary infractions. On 24 September 1963 the discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge, and on 4 December 1963, 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. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in two NJPs and five court-martial convictions. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an administrative discharge board. 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