



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

TJR  
Docket No: 11701-10  
16 September 2011

[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 September 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 29 July 1965 at age 17 and served for about seven months without disciplinary incident. However, on 17 February and again on 16 June 1966, you received nonjudicial punishment (NJP) for two periods of unauthorized absence (UA) totalling 11 days and missing the movement of your ship. On 31 August and 9 September 1966 you were convicted by civil authorities of leaving the scene of an accident, possession of a stolen license plate, and shoplifting. Shortly thereafter, on 23 September 1966, you received your third NJP for two periods of UA totalling 13 days and breaking restriction. The punishment imposed was correctional custody for 30 days, reduction to paygrade E-1, and a \$54 forfeiture of pay.

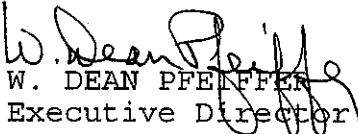
On 31 October 1966 you were notified of pending administrative separation action by reason of misconduct due to civil conviction. After waiving your procedural rights, your commanding officer recommended discharge under other than honorable conditions by reason of misconduct due to civilian conviction. On 1 December 1966 the discharge authority approved

this recommendation and directed your commanding officer to discharge you under other than honorable conditions by reason of misconduct, and on 13 December 1966, 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 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 repeated misconduct in both the military and civilian communities. Finally, you were given an opportunity to defend yourself but waived your procedural rights. 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