



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

BAN  
Docket No: 12070-10  
19 September 2011

[REDACTED]

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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 15 September 2011. 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.

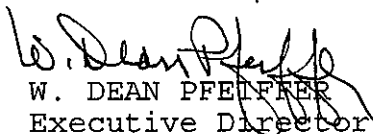
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 25 February 1965, and served without disciplinary incident until 7 October 1966, when you received nonjudicial punishment (NJP) for dereliction of duty. Shortly thereafter, you received the following disciplinary actions: on 28 November 1966, you were convicted at a special court-martial (SPCM) of unauthorized absence (UA) (40 days) and breach of restraint; on 14 June 1967, you received NJP for disobeying a lawful order; on that same day, you were convicted in civil court of drag racing; and on 30 April 1968, you received another SPCM for three specifications of UA, totaling four months and 10 days. Your sentence included a bad conduct discharge (BCD). Therefore, on 5 December 1968, after appellate review, you were separated with a BCD and an RE-4 reenlistment code due to your conviction at a SPCM.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, and Vietnam service. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. 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