



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TJR
Docket No: 5484-11
8 March 2012

[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 6 March 2012. 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.

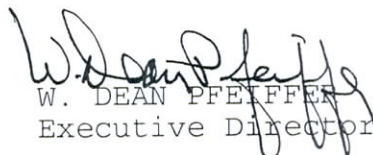
You enlisted in the Navy on 29 January 1963 at age 20 and immediately began a period of active duty. You served without disciplinary incident until 16 October 1963, when you received nonjudicial punishment (NJP) for two specifications of dereliction of duty and signing a false official document.

On 1 September and again on 11 November 1964 you received NJP for larceny and misbehavior as a sentinel. About five months later, on 21 April 1965, you received NJP for wrongful appropriation. Subsequently, you were processed for an administrative separation by reason of unfitness due to repeated military offenses. After waiving your procedural rights, on 27 May 1965, your commanding officer recommended an undesirable discharge by reason of unfitness. However, on 22 June 19865, the discharge authority approved the discharge recommendation but directed characterization of service as general under honorable conditions by reason of unfitness, and on 13 July 1965, 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, desire to upgrade your discharge, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge because of the seriousness of your misconduct which resulted in four NJPs. Further, Sailors with a record of misconduct such as yours who are discharged by reason of unfitness normally receive undesirable discharges, and as such, the Board concluded you were fortunate to have received a general discharge. Finally, no discharge is upgraded due solely to the passage of time. 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