



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

TJR
Docket No: 4153-12
14 March 2013

[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 12 March 2013. 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 2 May 1969 and immediately began a period of active duty. You served without disciplinary incident until 3 September 1969, when you received nonjudicial punishment (NJP) for a one day period of unauthorized absence (UA) and failure to obey a lawful order.

On 3 February and again on 20 July 1970 you were convicted by summary court-martial (SCM) of five periods of UA totalling 60 days. On 5 November 1970 you received your second NJP for failure to go to your appointed place of duty.


Subsequently, you were processed for an administrative separation by reason of convenience of the government due to being a burden to the command as evidenced by your attitude and overall performance which rendered you nonpotential petty officer material. After waiving your procedural rights, your commanding officer recommended a general discharge by reason of convenience of the government due to being a command burden. This

recommendation also noted your two NJPs and two court-martial convictions. The discharge authority approved this recommendation and directed discharge under honorable conditions, and on 9 November 1970 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 the characterization of your general discharge, and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case because of the seriousness of your repetitive misconduct which resulted in two NJPs and conviction by two SCMs. Further, Sailors with an extensive record of misconduct, such as yours, normally receive discharges under other than honorable conditions, and as such the Board noted that you were fortunate to receive a general characterization of service. Finally, no discharge is automatically upgraded due solely to the passage of time or an individual's good post service conduct or request. 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