



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

TAL
Docket No: 7558-12
15 May 2013

[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 of the 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 8 May 2013. 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 and began a period of active duty on 3 December 1952 at age 17. From 4 March through 22 July 1953 you received nonjudicial punishment (NJP) on four occasions for two instances of failure to obey a lawful order and three instances of unauthorized absence (UA) from your unit for a period totaling four days. On 7 October 1953 you were convicted by summary court-martial (SCM) of UA from your unit for a period of 10 days. On 9 December 1953, you were convicted of larceny of gas from a school bus in the District Court of Portland, Oregon. The sentence imposed was confinement for one year, which was suspended. On 5 January 1954, you were convicted by special court-martial (SPCM) of UA from your unit for a period of 12 days. On 20 January 1954, you were notified of pending administrative discharge processing with an other than honorable (OTH) discharge due to unfitness. You waived all of your

procedural rights, including your right to an administrative discharge board (ADB). On 15 February 1954, the separation authority approved and directed your discharge. On 16 February 1954, you were again convicted by SCM of UA from your unit for a period of three days. On 18 March 1954, you received the OTH discharge for unfitness.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness and repetitiveness of your misconduct that resulted in four NJPs, two SCMs, a civil conviction and SPCM and UA from your unit for a period total 29 days. The Board noted that you waived the right to an ADB, your best chance for retention or a better characterization of service. Finally, there is no provision of law or in Navy regulations that allows for recharacterization of service due solely to the passage of time. 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