



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 2896-99

31 August 1999

[REDACTED]

Dear [REDACTED]

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 31 August 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 26 March 1964 at age 17. The record shows that during the period 5 November 1964 to 19 July 1966 you received nonjudicial punishment on four occasions. Your offenses were two periods of unauthorized absence totaling about two days, theft of a white hat and possession of an altered identification card. A special court-martial convened on 27 January 1967 and convicted you of an unauthorized absence of about 32 days. The sentence of the court included a reduction in rate, forfeitures of pay and confinement at hard labor for two months.

A second special court-martial convened on 5 July 1967 and convicted you of an unauthorized absence of about 79 days. The court sentenced you to forfeiture of \$86 pay per month for four months, confinement at hard labor for four months and a bad conduct discharge. The bad conduct discharge was issued on 11 October 1967.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and low score on the aptitude test. The Board found that these factors were not sufficient to warrant

recharacterization of your discharge given your repeated misconduct and especially the final lengthy period of unauthorized absence. The Board concluded that the discharge was proper as issued and no change is warranted.

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