



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 4435-99

15 October 1999

[REDACTED]

Dear [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 13 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you reenlisted in the Navy on 8 August 1963 after two years and four months of prior honorable service. Your record reflects you continued to serve a year and six months without disciplinary incident, but on 10 February 1965 you received nonjudicial punishment (NJP) for failure to obey a lawful order. The punishment imposed was reduction to paygrade E-3. On 18 October 1965 you received NJP for absence from your appointed place of duty. The punishment imposed was reduction to paygrade E-2, restriction for 60 days, and forfeitures totalling 450. Shortly thereafter, on 17 December 1965, you received NJP for insubordination. The punishment imposed was restriction and extra duty for 25 days and a \$25 forfeiture. On 15 August 1966 you received your fourth NJP for discrediting conduct. The punishment imposed was restriction and extra duty for seven days.

About a year later, on 8 September 1967, you received NJP for two incidents of absence from your appointed place of duty. The punishment imposed was extra duty and restriction for 30 days and reduction to paygrade E-2. The reduction was suspended for six months.

Your record further reflects that on 29 January 1968 you were convicted by special court-martial (SPCM) of a 21 day period of unauthorized absence (UA). You were sentenced to confinement at hard labor for two months and forfeitures totalling \$284. On 5 November 1968 you were convicted by SPCM of a 14 day period of UA and sentenced to confinement at hard labor for four months, reduction to paygrade E-2, and forfeitures totalling \$316. Approximately six months later, on 23 April 1969, you received your sixth NJP for missing the movement of your ship. The punishment imposed was restriction for 45 days, extra duty for 20 days, and reduction to paygrade E-1.

On 26 April 1969 you were notified of pending administrative separation action. At this time you waived your rights to consult with legal counsel or to present your case to an administrative discharge board. Subsequently, your commanding officer recommended you be separated by reason of unfitness. Shortly thereafter, the discharge authority directed your commanding officer to issue you an other than honorable discharge by reason of unfitness. On 19 May 1969 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that you would like your discharge upgraded. However, the Board concluded these factors were not sufficient to warrant a change in the characterization your discharge given the seriousness of your frequent misconduct which resulted in six NJPs and two court-martial convictions. Given all the circumstances of your case, the Board concluded your 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