



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TRG
Docket No: 3775-99
29 September 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 28 September 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 Naval Reserve on 28 June 1961 at age 20 and reported for two years of active duty on 27 September 1962. The record shows that you were convicted by a special court-martial on 28 March 1963 of an unauthorized absence of about nine days. On 11 June 1963 you requested a hardship discharge because you could not support your family on Navy pay. After review, the request was denied.

A second special court-martial convened on 10 October 1963 and convicted you of an unauthorized absence of about 34 days. The court sentenced you, as mitigated, to reduction to pay grade E-1, forfeiture of \$25 pay per month for three months, confinement at hard labor for three months and a bad conduct discharge. The discharge was suspended for a probationary period of six months and you were restored to duty on 21 December 1963. On 5 January 1964 you began a period of unauthorized absence which lasted until you surrendered on 6 February 1964, a period of about 32 days. Subsequently, the suspended discharge was ordered executed. You received the bad conduct discharge on 18 March 1964.

In its review of your application the Board carefully reviewed

all potentially mitigating factors, such as your youth, family situation and contention that you have been adequately punished by having a bad conduct discharge for over 35 years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your lengthy periods of unauthorized absence and especially your violation of probation. 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