



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

BJG  
Docket No: 6447-99  
24 February 2000

SS [REDACTED] USCGR RET  
[REDACTED]  
[REDACTED]

Dear C [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 24 February 2000. 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. In addition, the Board considered the advisory opinion furnished by the Navy Board of Decorations and Medals dated 13 January 2000, a copy of which is attached.

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. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. 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

Enclosure



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20350-1000

6447-99

1650  
NDBDM/001  
13 Jan 00

From: Secretary, Navy Department Board of Decorations and Medals (NDBDM)  
To: Chairman, Board for Correction of Naval Records  
Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN THE CASE OF SSC [REDACTED] USCGR (RET)  
Ref: (a) BCNR Ltr Ser BJG, Docket No. 6447-99 of 16Nov99

1. In accordance with reference (a), the subject case was reviewed by the Secretary of the Navy Awards Branch. Based on all the information provided and the Navy Awards regulations, no award can be issued in this case.

2. Specifically, the following information pertains:

- A review of the Navy Awards File revealed no evidence that a recommendation was submitted for an award in this case.

- A review of the service record does not indicate that the Commanding Officer ever recommended that an award be considered.

- Navy does not have a life-saving award; however, awards for heroism are issued that involve life-saving circumstances.

- The case included a single witness statement; regulations require a minimum of two witnesses and a recommendation from a senior officer with direct knowledge of the action.

- There is little or no circumstantial evidence provided which details the conditions under which the actions were taken. For example, sea state, weather conditions, swimming qualifications, proximity to the vessel, other personnel on scene, or endangerment to the rescuer; these factors are considered in the approval and level of an award.

3. If I may be of further service, please do not hesitate to contact me.

[REDACTED]  
CDR, U.S. NAVY



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

CRS  
Docket No: 7055-99  
28 February 2000

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 24 February 2000. 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 1 May 1979 at age 18. Your record reflects that you received seven nonjudicial punishments and were convicted by a special court-martial. The offenses included unauthorized absences totalling 61 days, absence from your appointed place of duty on 11 occasions, violation of a lawful general regulation, disrespect on two occasions, and two instances of failure to obey a lawful order.

On 27 April 1982 the commanding officer recommended that you be separated with an other than honorable discharge by reason of misconduct. When informed of the recommendation, you elected to waive your right to present your case to an administrative discharge board. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an other than honorable discharge on 1 June 1982.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and good postservice conduct. However, the Board concluded that

these factors were not sufficient to warrant recharacterization of your discharge, given your frequent involvement with military authorities. The Board especially noted the fact that you were the subject of eight disciplinary actions within a period of about three years. Therefore, the Board concluded that no change to the discharge 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