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

ELP
Docket No. 1501-99
16 July 1999

[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 14 July 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 23 August 1963 for a minority enlistment. Your enlistment contract indicated that your date of birth was 23 November 1945 and your mother signed the consent papers. On 24 December 1963, the commanding officer advised the Chief of Naval Personnel (NJP) that you reported that your date of birth was 23 November 1947 and that you had altered a baptismal certificate, but had not submitted any documentary evidence as to your true date of birth. On 23 January 1964, the commanding officer provided a copy of your birth certificate and advised CNP that you had been transferred to await discharge authorization. However, you were recommended for reenlistment upon reaching the authorized age for enlistment. Thereafter, CNP directed that you be discharged by reason of minority. You were honorably discharged on 25 February 1964.

The record reflects that you reenlisted in the Navy at age 17 on 10 March 1965 for a minority enlistment as an SA (E-2). During

the 11 month period from June 1965 to May 1966, you received six nonjudicial punishments (NJP) and were convicted by a special court-martial. Your offenses consisted of six periods of unauthorized absence (UA) totalling about 32 days, three instances of disobedience, loss of an armed forces identification card, disrespect, and failure to obey an order.

On 25 May 1966 you were notified that you were being considered for discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. You were advised of your procedural rights and waived your right to representation by counsel and presentation of your case to an administrative discharge board (ADB). Thereafter, the commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness. The Chief of Naval Personnel approved the recommendation and you were so discharged on 16 June 1966.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, prior active service of nearly six months, and the fact that it has have been 33 years since you were discharged. The Board noted your contention to the effect that your records should show an honorable discharge as reflected on your first discharge papers. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your second period of service given your record of six NJPs and a special court-martial conviction. The Board noted that despite the fraudulent entry during your first period of service, you were honorably discharged and recommended for reenlistment. As a result of this brief period of service, you had an advantage over other 17 years olds in that you were well aware of what military life was like, its rules and regulations, and what was expected of you. Therefore, the Board concluded your contention was without merit. The Board noted the aggravating factor that you waived an ADB, the one opportunity you had to show why you should be retained or discharged under honorable conditions. The Board concluded that you were guilty of too much misconduct in only 15 months of service to warrant recharacterization to honorable or under honorable conditions. 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