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

CRS
Docket No: 2111-99
24 June 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 16 June 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 reenlisted in the Navy on 5 November 1963 after more than three years of prior active service. Prior to the offenses for which you received the bad conduct discharge, you were convicted by a special court-martial of an unauthorized absence of 14 days.

A general court-martial convened on 25 September 1968 and found you guilty of an unauthorized absence of 763 days and failure to obey a lawful order. The court sentenced you to confinement at hard labor for four months, forfeiture of all pay and allowances, and a bad conduct discharge. You received the bad conduct discharge on 7 January 1969.

On 31 October 1975 you were issued a clemency discharge based upon your completion of alternative service. In this regard, Presidential Proclamation 4313 of 16 September 1974 provided for voluntary alternative service under the auspices of the Reconciliation Service Program, Selective Service System, for a

specified period. Upon successful completion of the alternative service, former servicemembers were granted a clemency discharge by the President of the United States. This restored civil rights, although not veterans rights or benefits.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the fact that your unauthorized absences totalled about 26 months. Based on the foregoing, 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