



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 5595-99

30 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, 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 29 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 Navy on 27 September 1963 at age 18. Prior to the offense for which you received a bad conduct discharge, you were convicted by a special court-martial on 8 March 1966 of a 69 day period of unauthorized absence.

A second special court-martial convened on 19 September 1966 and found you guilty of an unauthorized absence of 115 days. The court sentenced to you to confinement at hard labor for six months, forfeitures of \$59 per month for six months, reduction in rate, and a bad conduct discharge. You received the bad conduct discharge on 8 September 1967.

On 15 January 1976 you were issued a clemency discharge based upon your completion of alternate 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 six 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