



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

TJR  
Docket No: 10965-02  
24 October 2003

[REDACTED]

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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 21 October 2003. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 15 July 1959 at age 18. During the period from 11 May to 29 August 1960 you received nonjudicial punishment (NJP) on three occasions for absence from your appointed place of duty, failure to go to your appointed place of duty, and wearing an unclean uniform.

On 31 October and again on 14 December 1960 you were convicted by summary court-martial (SCM) of disobedience, failure to obey a lawful order, and resisting arrest.

On 9 January 1961 you were notified of pending administrative separation action by reason of unfitness. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 10 January 1961 you were convicted by SCM of two periods of failure to go to your appointed place of duty and a one day period of UA. You were sentenced to restriction and hard labor for 45 days.

Subsequently, your commanding officer recommended an undesirable discharge by reason of unfitness. On 31 January 1961 the discharge authority approved this recommendation, and on 10 March 1961 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and post service conduct as shown by the favorable police report and character reference letters. The Board noted the statement submitted by the Veterans of Foreign Wars in support of your case. Nevertheless, the Board concluded recharacterization of your discharge was not warranted because of your repetitive misconduct which resulted in three NJPs and three court-martial convictions in less than two years of service. 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