



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

TJR  
Docket No: 6500-99  
22 July 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 13 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps Reserve on 10 November 1943 at the age of 18. Your record reflects that on 23 May 1944 you were convicted by summary court-martial (SCM) of two periods of unauthorized absence (UA) totalling 47 days. You were sentenced to solitary confinement on bread and water for 30 days, loss of pay totalling \$150, and extra police duty for three months. On 24 May 1944 you received office hours for conduct to the prejudice of good order and discipline and insolence. The punishment imposed was solitary confinement on bread and water for five days. Shortly thereafter, on 10 August 1944, you were convicted by general court-martial (GCM) of breaking restriction and a 38 day period of UA. You were sentenced to confinement for two years and a bad conduct discharge (BCD). After the findings and sentence of the GCM were reviewed and approved, the BCD was ordered executed. On 11 December 1945 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, character reference letters, training certificates, resume', and your

contention that you would like your discharge upgraded to fully honorable. The Board also considered your contention that under today's standards you would not receive a BCD because of your behavioral disorder and emotional problems. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct during wartime which resulted in office hours and two court-martial convictions. Given all the circumstances of your case, the Board concluded your discharge was proper and no change 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