



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 6948-99

18 February 2000

[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 February 2000. 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 16 April 1947 for four years at age 19. The record reflects that you were advanced to seaman second class (S2c) and served for 16 months without incident. However, during the 33 month period from August 1948 to May 1951 you received seven nonjudicial punishments (NJP). Your offenses consisted of lounging in a bunk during working hours, shirking duty, failure to obey orders, communicating a threat, leaving your post without being properly relieved, sleeping late, missing quarters, two periods of absence over leave totalling about five days, disobedience, refusing to go to mess cooking, and refusing to relieve the watch. During this period your rate was changed to SA (E-2) and you completed the required training course for advancement. However, there is no evidence in the record that you were ever advanced to SN (E-3).

In May 1951, you were notified that you were being recommended for discharge by reason of unfitness and declined to make a statement in your own behalf. On 8 May 1951, the commanding

officer recommended that you be discharged by reason of unfitness due to the foregoing offenses. He also noted that your enlistment had been involuntarily extended. On 7 June 1951, the Chief of Naval Personnel directed an undesirable discharge by reason of unfitness. You were so discharged on 28 June 1951.

The record reflects that on 17 February 1953 the Board of Review, Discharges and Dismissals (BRDD) recharacterized your service to a general discharge and changed the reason for your discharge to unsuitability. A new discharge certificate was issued which showed that you were entitled to the following awards: Navy Occupation Service Medal, China Service Medal, Korean Service Medal, and the United Nations Medal. The DD Form 214 that was issued did not include the China Service Medal.

The Navy Awards Manual, then in effect, provided that in order to be eligible for the Good Conduct Medal, an individual must have three years of continuous active service with no disciplinary actions, such as NJPs or courts-martial, no mark in conduct less than 3.0, and the average mark in conduct had to be at least 3.8.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your limited education, low test scores, and the fact that it has been nearly 49 years since you were discharged. The Board noted the issues considered by the BRDD and your contention that you were discriminated against by your commanding officer and that he was at your court-martial prior to separation. You claim that you are entitled to the Good Conduct Medal and that you were a seaman first class (Slc) and not a S2c. The Board concluded that the foregoing factors were insufficient to warrant further recharacterization of your discharge beyond that granted by the BRDD, given your record of seven NJPs. The Board believed that seven NJPs do not constitute fully honorable service and certainly disqualify you for the Good Conduct Medal. Available records contain no evidence that you received a court-martial prior to separation. Your contentions of discrimination and that you were a Slc are neither supported by the evidence of record nor by any evidence submitted in support of your application. The Board concludes that the general discharge as upgraded by the BRDD was appropriate and no further change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

A correction to the DD Form 214 to show all medals to which you are entitled does not require action by the Board. Such a request may be addressed to the custodian of your record, the National Personnel Records Center, Military Personnel Records, 6700 Page Boulevard, St. Louis, MO 63132.

Your medical records were not provided for the Board's review. You may request a copy of your medical and dental records from the Department of Veterans Affairs, Service Medical Records Center, P.O. Box 150950, St Louis MO 63115-8950.

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