



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 7274-98

26 March 1999

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 23 March 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 Navy on 22 January 1946 at the age of 17. Approximately seven months later, on 13 August 1946, you received captain's mast (CM) for absence from your appointed place of duty. The punishment imposed was extra duty for five hours. On 26 September 1946 you were convicted by deck court (DC) of a one day period of unauthorized absence (UA). You were sentenced to forfeitures totalling \$30. Shortly thereafter, on 2 December 1946 you were convicted by DC of absence from your appointed place of duty. You were sentenced to extra duty for one week and forfeitures totalling \$40.

Your record reflects that on 13 March 1947 you were convicted by DC of using provoking gestures and sentenced to forfeitures totalling \$20. On 2 April 1947 you received CM for absence from your appointed place of duty. The punishment imposed was restriction for 30 days. Shortly thereafter, on 16 July 1947, you were convicted by DC of absence from your appointed place of duty. You were sentenced to deprivation of liberty for one month.

Subsequently, the discharge authority directed you be issued a general discharge by reason of convenience of the government and on 20 January 1949 you were so discharged.

Character of service is based, in part, on conduct and overall trait averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.88. An average of 3.25 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and your contention that now that you are 70 years old, you would like your discharge upgraded to honorable before you die. The Board also considered your contention that you served your country and the Navy honorably. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your frequent misconduct, which resulted in two captain's masts and four convictions by deck court and your failure to achieve the required mark in conduct. Given all the circumstances in your case the Board concluded your discharge was proper as issued 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