



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

ELP
Docket No. 3224-01
31 August 2001

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 Navy Records, sitting in executive session, considered your application on 2001. 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 19 October 1951 for four years at age 20. The record reflects that you were advanced to AA (E-2) and served for nearly nine months without incident. However, during the 17 month period from July 1952 to December 1953 you received seven nonjudicial punishments (NJP) and were convicted by a summary court-martial and a special court-martial. Your offenses consisted of three periods of unauthorized absence (UA) totaling about 9 days, two brief periods of UA totaling about 20 hours, shirking duty, refusing to obey an order, failure to report to appointed place of duty, damaging personal property, creating a disturbance, resisting apprehension, being out of bounds, and being out of uniform.

In December 1953, you were notified that you were being recommended for discharge by reason of unfitness. You submitted a statement to the effect that most of your offenses related to

obligations to your wife, who you constantly worried about, and that you wanted to stay out of trouble but believed that discharge was only way since you were not suited for military life.

On 24 December 1953 the commanding officer recommended an undesirable discharge by reason of unfitness. In his recommendation, the commanding officer noted that in addition to the foregoing offenses, you had a long record of petty nuisances within your division for which no punishment or service record entries were made. On 18 January 1954 an enlisted performance evaluation board convened in the Bureau of Naval Personnel and recommended an undesirable discharge by reason of unfitness. On 18 January 1954 the Chief of Naval Personnel directed an undesirable discharge and you were so discharged on 5 February 1954.

In its review of your application the Board carefully weighed all potentially mitigating factors such your limited education, desire for veterans' benefits, and the fact that it has been more than 47 years since you were discharged. The Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of seven NJPs and convictions by a summary court-martial and a special courts-martial. Although your offenses were relatively minor, the Board concluded that you were guilty of too much misconduct to warrant recharacterization to honorable or under honorable conditions. 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 pre-umption 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