



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

CRS  
Docket No: 4713-01  
27 November 2001

[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 20 November 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 21 February 1948 at the age of 15. The record reflects that on 18 July 1949 you were convicted by a general court-martial of an unauthorized absence of 31 days. The court sentenced you to confinement for seven months, a reduction in rank, and a bad conduct discharge. On 17 August 1949 the commanding officer recommended your retention even though you fraudulently enlisted at age 15. On 31 October 1949 the Acting Secretary of the Navy restored you to active duty and suspended the bad conduct discharge for six months.

A summary court-martial convened on 5 August 1950 and found you guilty of an unauthorized absence of four days. The court sentenced you to a bad conduct discharge that was suspended for six months. Subsequently, on 22 November 1950 you received nonjudicial punishment for an unauthorized absence of two days and possession of another man's clothing. The suspended bad conduct discharge was then ordered executed and you were so discharged on 22 December 1950.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your extreme youth and immaturity and diagnosed bipolar disorder. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the frequency of your offenses. The Board also noted that both bad conduct discharges were suspended, thus giving you an opportunity to earn a better discharge. However, you continued to commit offenses, which resulted in the second bad conduct discharge being executed. Concerning the bipolar disorder, there is no evidence in the record, and you have submitted none, to show that you suffered from this disorder at the time of your service or, if you did, that it was sufficiently severe to mitigate your misconduct to an extent that recharacterization is warranted. Based on the foregoing, the Board concluded that no change to the discharge 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