



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

TJR  
Docket No: 4953-01  
7 January 2002

[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 3 January 2002. 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 reenlisted in the Navy on 4 December 1943 after three years of prior honorable service. Your record reflects that on 20 December 1943 you received captain's mast (CM) for absence from your appointed place of duty.

Your record further reflects that on 5 May 1944 you were convicted by summary court-martial (SCM) of a 27 day period of unauthorized absence (UA) and failure to obey a lawful order. You were sentenced to a bad conduct discharge which was suspended for six months. Shortly thereafter, on 23 June 1944, you were convicted by general court-martial (GCM) of a 14 day period of UA and missing your overseas draft. You were sentenced to a reduction in rate, confinement for eight months, and a BCD. However, the BCD was suspended for four months. On 27 November 1944 you received CM for a 23 day period of UA and the punishment imposed was confinement for a month. At this time the suspended BCD from the GCM was also vacated. Subsequently, on 6 January 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 prior honorable service and the character reference letter provided in support of your case. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive periods of UA during wartime, which resulted in two CMs and two court-martial convictions. The Board noted that the BCD was suspended on two occasions, thus giving you an opportunity to earn a better characterization of service. However, your misconduct continued. Given the circumstances of 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