



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

TJR
Docket No: 2472-01
31 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 29 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 were inducted in the Navy on 2 December 1943 at the age of 19. Your record reflects that on 25 June 1944 you received captain's mast (CM) for absence from your appointed place of duty and were awarded extra duty for four hours. On 24 November 1944 you were convicted by general court-martial (GCM) of a two day period of unauthorized absence (UA) and missing the movement of your ship. You were sentenced to a reduction in rate, confinement for six months, and a bad conduct discharge (BCD). However, upon the completion of three months confinement, the unexecuted portion of the sentence was suspended for three months and on 27 February 1945 you were restored to duty.

Your record further reflects that on 19 May 1945 you received CM for absence from your appointed place of duty and were recommended for a deck court (DC). However, the record does not reflect any further documentation regarding this recommendation. On 26 December 1945 you were convicted by DC of absence from your appointed place of duty and were awarded a \$20 forfeiture of pay.

On 22 February 1946, you received a general discharge under honorable conditions by reason of convenience of the government. At that time, a conviction by GCM precluded the issuance of an honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and the character reference letter submitted in support of your case. The Board also considered your contention that you believe that you have paid the penalty for your misconduct and therefore your discharge should be upgraded. However, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your discharge because of the serious nature of your repetitive misconduct, most of which occurred during a period of wartime. The Board further noted that your misconduct continued even after your sentence of a BCD had been suspended. Further, no discharge is automatically upgraded due to the passage of time and/or an individual's good behavior after discharge. Given all 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