



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

TRG
Docket No: 3225-02
5 September 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 4 September 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You reenlisted in the Navy on 9 June 1954 at age 21 after almost four years of active duty on a prior enlistment. During the next three months, you received nonjudicial punishment and were convicted by a summary court-martial. Your offenses were a short period of unauthorized absence, disobedience, breach of arrest, and loss of your identification and liberty cards. A special court-martial convened on 14 December 1954 and convicted you of an unauthorized absence of about 12 days, missing ship's movement, and drunk and disorderly conduct. The court sentenced you to reduction to pay grade E-1, forfeiture of \$65 pay per month for six months and confinement at hard labor for six months.

On 11 April 1955, the commanding officer of the retraining command recommended an undesirable discharge by reason of unfitness. After review, the discharge authority directed a general discharge by reason of unsuitability and you were so discharged on 14 May 1955.

Characterization of service for an individual discharged by reason of unsuitability was based, in part, on a conduct mark

average that was computed from marks assigned during periodic evaluations. Your conduct marks average was 2.0. A minimum average mark of 3.25 in conduct was required at the time of your separation for a fully honorable characterization of service.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention, in effect, that you have been adequately punished by having a general discharge for over 47 years. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your disciplinary infractions and your failure to achieve the required average mark in conduct. The Board concluded that the general 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