



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

TJR  
Docket No: 3742-02  
20 November 2002

[REDACTED]

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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 19 November 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.

You enlisted in the Navy on 12 November 1942 at the age of 17. At the time of enlistment you had completed 10 years of formal education.

On 24 November 1943 you were convicted by general court-martial (GCM) of a 62 day period of unauthorized absence (UA). You were sentenced to confinement for three months, and a bad conduct discharge (BCD). However, you were placed on probation and restored to duty. On 24 April 1944 you were convicted by GCM of a 20 day period of UA and sentenced to confinement for 15 months and a BCD. Again you were placed on probation and restored to duty.

On 21 March 1944 you were convicted by GCM of a 117 day period of UA. You were sentenced to confinement for 24 months, reduction in rate, and a BCD. The BCD was subsequently approved at all levels of review, and on 1 March 1946 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your discharge should be upgraded because you completed your enlistment and fought in World War II. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive and lengthy periods of UA during wartime. Further, the Board noted that you were sentenced to a BCD at two earlier courts-martial but were restored to duty, thus giving you the opportunity to earn a better characterization of service. However, you failed to do so and committed further offenses. 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