



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

TRG
Docket No: 7101-01
7 February 2002

Dear [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 5 February 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 enlisted in the Navy on 25 June 1956 at age 17. On 11 December 1956 you were convicted by a summary court-martial and on 14 January 1958 you were convicted by a special court-martial. Your offenses were two periods of unauthorized absence totaling about 10 days. On 30 June 1958 the Bureau of Naval Personnel denied your request for a hardship discharge.

A second special court-martial convened on 10 October 1958 and convicted you of an unauthorized absence of about 42 days, missing ship's movement and breaking arrest. The court sentenced you to reduction to pay grade E-1, forfeiture of \$52 pay per month for six months, confinement at hard labor for six months and a bad conduct discharge. On 16 January 1959, you waived your right to request restoration to duty. The bad conduct discharge was issued on 10 March 1959.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and your request for a hardship discharge. The Board also considered your contentions that you were lied to by your recruiter, were discriminated against because of your religion

and sexually harassed by an officer. You also contend that the punishment was too severe for the offenses committed, and that you have been a good citizen since discharge. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated unauthorized absences and other misconduct. Your request for a hardship discharge was disapproved because it did not meet the criteria for approval when compared with other cases. The Board further concluded that the sentence to a bad conduct discharge was not too harsh. There is no evidence in the record, and you have submitted none, concerning any of your other contentions. The Board concluded that the 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