



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

FC
Docket No: 07496-02
8 September 2003

[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 2003. 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.

The Board found that you enlisted in the Marine Corps on 24 June 1941 at age 17. On 13 November 1941 you were convicted by summary court martial (SCM) of a 16-day period of unauthorized absence, and were sentenced to confinement, extra duty, and forfeitures of pay.

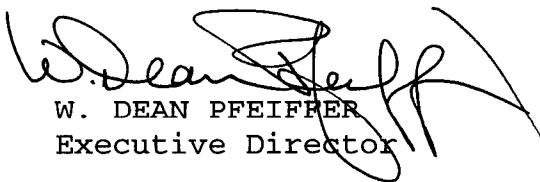
On 12 May 1943, you were declared a deserter, having been on unauthorized absentee since 7 April 1943. However, on 25 August 1943 you were convicted by a second SCM of a 52-day period of unauthorized absence from 7 April to 29 May 1943 and not desertion. You were sentenced to twenty days of bread and water and forfeitures of pay. On 22 September 1943 a mark of desertion that had previously been entered due to the latter period of unauthorized absence was removed from your record by the authority of commanding officer. An entry was made in your record to reflect this favorable action.

On 23 August 1944 a medical board recommended that you be discharged by reason of unfitness because of physical disability. On 27 September 1944 the separation authority approved the findings of the board and directed that you be separated by reason of physical disability with a characterization of service as honorable. On 14 October 1944, you received an honorable discharge.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as the length of time that has passed since you were discharged from the Marine and your honorable service during World War II. However, the Board concluded that appropriate action was taken to remove the mark of desertion from your record. 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