



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

JRE
Docket No: 9002-02
19 December 2002



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 12 December 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.

The Board found that you enlisted in the Navy on 12 March 1948. You were convicted by summary court-martial on two occasions for absences without authority which occurred in January 1949 and February 1950. You served in the Korean conflict from September 1950 to January 1951, when you were medically evacuated for treatment of frostbite. You were absent without authority from 20 March 1951 to 19 February 1952. Upon your return to military control, you alleged that you were absent without authority because you had forgotten you were in the Navy, and that you voluntarily returned to military control after you remembered that you were still in the Navy. You were evaluated by a board of medical survey, which determined that you had an inadequate personality, but were sane and responsible for your actions. You were discharged from the Navy on 14 February 1953, with a bad conduct discharge, pursuant to the sentence of a general court-martial. .

The Board rejected your unsubstantiated contentions to the effect that the offense which resulted in your discharge was caused by undiagnosed post traumatic stress disorder, and that you were unfit by reason of physical disability at the time of your discharge. In addition, it

concluded that your service was properly characterized with a bad conduct discharge, given your repeated absences without authority, and multiple convictions by court-martial. 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