



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

FC

Docket No: 00669-03
16 June 2003

[REDACTED]

This is in reference to your application on behalf of your late husband for correction of his 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 11 June 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 late husband's 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 your husband enlisted in the Navy on 13 June 1942. The record reflects that he received two nonjudicial punishments and was convicted on two occasions by two summary court martials (SCM) of three periods of unauthorized absence totaling about 13 days and possession of another man's identification card and apparel. His last SCM sentenced him to be discharged with a bad conduct discharge (BCD) and on 7 January 1943 he was so discharged.

On 10 May 1944 he was allowed reenlist in the Naval Reserve despite his prior BCD, and commenced two years of active duty. During this enlistment, your husband was convicted by a deck court (DC), four SCMs, and a general court martial (GCM) of five periods of unauthorized absence totaling about eighty days and breaking arrest. Two of the SCMs sentenced him to suspended BCDs for six months. However, because of subsequent unauthorized

absences, he was convicted by the GCM and sentenced him to a BCD. He was so discharged on 12 May 1946.

In its review of your application, the Board carefully weighed all potentially mitigating factors such as his youth and immaturity, the length of time that has passed since he was discharged from the Navy, and his wartime service. However, the Board found that these factors were not sufficient to warrant recharacterization of either BCD given his frequent unauthorized absences and other misconduct. 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