



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

FC

Docket No: 01337-03

8 August 2003

[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 30 July 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 Navy on 4 May 1948 at age 17. You served without incident until 29 September 1949, when you were convicted by deck court (DC) of a brief period of unauthorized absence and missing ship's movement. You were sentenced to two months of extra duty. On 3 March 1950, you were convicted by a second DC of using provoking words to the shore patrol. You were sentenced to forfeitures of pay.

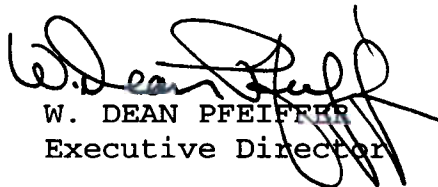
On 15 September 1950 you were convicted by summary court martial (SCM) of stealing a camera and were sentenced to a bad conduct discharge (BCD). After approval by the convening authority, you were discharged with a BCD on 21 November 1950.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and the length of time that has passed since you

were discharged from the Navy. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your misconduct that resulted in two convictions by DC and especially the conviction by SCM of theft. 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