



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

TRG
Docket No: 2499-03
10 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 9 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.

You enlisted in the Marine Corps on 14 January 1947, claiming to be 19 years old. A general court-martial convened on 17 June 1947 and convicted you of an unauthorized absence of about 42 days. The court sentenced you to forfeiture of all pay and allowances, confinement at hard labor for seven months and a bad conduct discharge. The entire sentence was suspended for a probationary period of 12 months and you were restored to duty. On 19 July 1947 you began another period of unauthorized absence which lasted until 22 August 1947. Subsequently, the suspension was vacated. You received the bad conduct discharge on 16 April 1948.

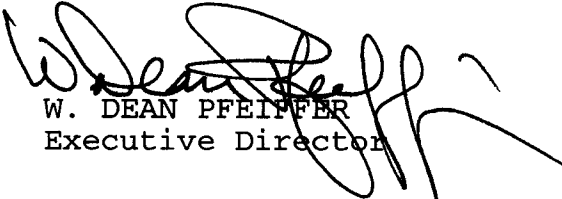
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and low score on the aptitude test. You contend in your application that you were actually 17 years old when you enlisted and lied about your age because you had to provide for yourself. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your conviction by court-martial of a lengthy period of unauthorized absence, and especially your violation of probation shortly after you were restored to duty. 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