



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

SJN  
Docket No: 08310-07  
31 July 2008

[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 29 July 2008. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy Reserve on 16 April 1942 at age 17. On 17 November 1942 and 5 May 1943 you were convicted by summary courts-martial (SCM) of two periods of unauthorized absence (UA) totaling 16 days. You remained on active duty until 25 March 1946, when you received a general discharge from active duty at the expiration of your enlistment based on your conduct and proficiency marks.

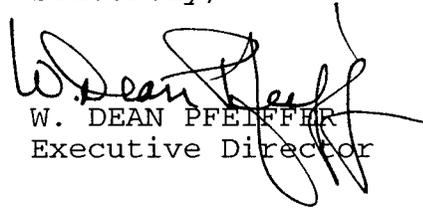
Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Although you were recommended for an honorable discharge, and your conduct average was 3.5, and at the time of your service, a conduct average of 3.25 was required for a fully honorable characterization of service, you could only receive an honorable characterization of service if you were not convicted by more than one SCM.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant upgrading your discharge given the two SCM convictions for UA, one of which

ended in your apprehension, and fact that you cannot receive an honorable discharge if convicted by more than one SCM. 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