



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

SJN
Docket No: 09257-07
6 November 2008

[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 4 November 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 and began a period of active duty on 14 February 1944 at age 19. On 7 March 1945, you were convicted by summary court-martial (SCM) of a 10 day period of unauthorized absence (UA). On 6 August 1945, you were convicted by deck court (DC) of insubordination. On 20 October 1945, you began a period of UA that ended when you were apprehended by civil authorities for grand larceny on 20 November 1945. On 27 December 1945, you were convicted by SCM of 30 days of UA.

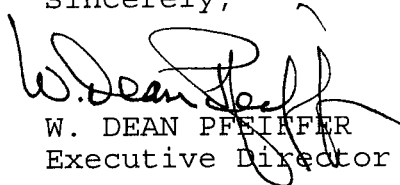
Based on the information currently contained in your record it appears you remained on active duty and were released under honorable conditions at the expiration of your enlistment on 20 May 1946.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 2.7. At the time of your service, a conduct average of 3.25 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and your belief that your characterization of service would change after a period of time for good behavior. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two SCM convictions, conviction by DC, involvement with civil authorities, and your failure to attain the conduct average required for an honorable discharge. Further, you are advised that there is no provision in the law or Naval Regulations that allow for recharacterization automatically due solely to the passage of time. 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