



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

TRG
Docket No: 10865-07
24 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 14 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You initially enlisted in the Navy on 2 September 1942 at age 17 and were honorably discharged on 6 February 1946. During the war you participated in the assault landings on the Normandy beaches on 6 June 1944.

You reenlisted in the Navy on 6 April 1946. During the period from 25 September 1946 to 9 October 1948, you were convicted by a deck court and two summary courts-martial, and received four nonjudicial punishments. Your offenses were seven periods of unauthorized absence totaling about 10 days and missing ship's movement on two occasions. A summary court-martial convened on 22 November 1948 and convicted you of an unauthorized absence of about nine days. The court sentenced you as mitigated to a bad conduct discharge and you were so discharged on 20 January 1949.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that you became an alcoholic during your second enlistment. You contend that after your discharge, you turned your life around and have been a good citizen for many years. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct. It was clear to the

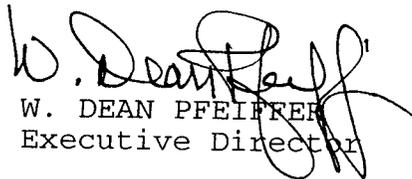
Board that you were given every opportunity to complete your enlistment but committed additional misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board believes that you are eligible for veterans benefits based on your honorable service in World War II. Therefore if you have been denied benefits, you should appeal that denial under procedures established by the Department of Veterans Affairs.

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