



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 213-08

27 August 2008

[REDACTED]

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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 19 August 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 enlisted in the Naval Reserve on 17 October 1942. Subsequently, you had extensive service in the Pacific area of operations. On 4 January 1946 you were honorably discharged.

On 4 February 1947, you enlisted in the Navy for four years. On 3 December 1948, you were convicted by a general court-martial of an unauthorized absence of about 153 days. The sentence of the court included a bad conduct discharge. On 21 April 1949 you were restored to duty on six months probation. On 10 August 1949 and 4 January 1950 you received nonjudicial punishment (NJP) for disorderly conduct, disobedience, attempting to break arrest and missing muster.

Based on the foregoing record and several hospitalizations for venereal disease you were processed for an administrative discharge. Subsequently, you received another NJP for unauthorized smoking. After review, the separation authority directed an undesirable discharge by reason of unfitness and you were so discharged on 29 August 1950.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable service and desire for veterans benefits. The Board found that

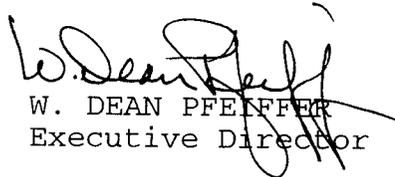
these factors were not sufficient to warrant recharacterization of your discharge given your repeated instances of misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

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. A copy of the notice of separation from your first period of service is enclosed.

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

Enclosure