



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

TRG
Docket No: 2114-08
14 January 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 6 January 2009. 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 22 June 1945 claiming to have been born in 1927. However, you later admitted that you born in 1929 and were therefore only 15 years old at enlistment. During the period from 26 May 1947 to 24 September 1947 you received nonjudicial punishment and were convicted by a summary court-martial. Your offenses were disobedience, a uniform violation and an unauthorized absence of about 23 days. The sentence of the summary court included 30 days of confinement. Subsequently, a board of medical survey found that you were unable to adjust to service. In accordance with regulations then in effect you were issued an undesirable discharge on 13 February 1948.

On 8 March 1949, your case was considered by the Board of Review, Discharges and Dismissals (BRDD) and recharacterization of your separation to a general discharge was directed. A general discharge is under honorable conditions. Copies of the BRDD decisional document and the corrected discharge document are enclosed.

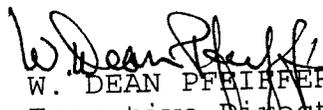
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and the documentation you submitted showing that you have a doctorate degree in physics and subsequent contributions to laser physics

for the Department of the Navy. The Board found that these factors were not sufficient to warrant further recharacterization of your discharge to fully honorable given your disciplinary record and desire for discharge. In effect, the Board believed that the action taken by the BRDD provided sufficient relief in your case. Individuals who were issued a general discharge are eligible for veterans benefits. The Board concluded that the general 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

Enclosure