



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

SMS  
Docket No: 2365-08  
9 January 2009

[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 7 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.

On 2 August 1948, you enlisted in the Marine Corps at age 17 with parental consent. On 28 February 1950, you had captain's mast (CM) for an affray. On 26 July 1950, you were convicted by a summary court-martial of theft of a pistol and possession of a dangerous weapon on board a ship. Your sentence included forfeitures of pay and a bad conduct discharge (BCD). The BCD was subsequently suspended and you were placed on probation for a period of six months. On 3 August 1950, you had CM for not observing taps. On 25 August 1950, the Secretary of the Navy approved the sentence of your court-martial. On 26 August 1950, you had CM for about a 17 hour period of unauthorized absence at which time your suspended BCD was ordered executed. You subsequently had another CM for refusal to fall out for drill and insubordination. On 18 October 1950, you were discharged with a BCD.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, service during the Korean War, and desire for a better discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct. Therefore, 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.

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,



For W. DEAN PFEIFFER  
Executive Director