



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

SMS
Docket No: 2986-08
10 December 2008

[REDACTED]

[REDACTED]

This is in reference to your application on behalf of your late father for correction of his 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 10 December 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 late father's 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.

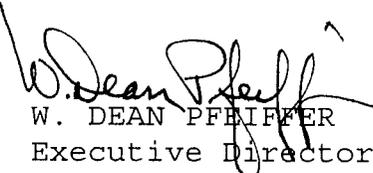
On 27 October 1941, your late father enlisted in the Navy at age 17 with parental consent. He subsequently served on board Navy vessels during World War II, participated in Guadalcanal, and was wounded in action off of Salvo Island which resulted in his return to a stateside duty station for treatment. During the period 13 April 1943 to 19 March 1944, while stateside, he had nonjudicial punishment and was convicted by three summary courts-martial (SCM). His offenses included four instances of unauthorized absence (UA) totaling about 30 days, being under the influence of alcohol, being out of uniform, breaking restriction, and two instances of disobedience of a lawful order. On 11 June 1944, he reported for duty in Hawaii. On 28 July 1944, he was convicted by a SCM for being disrespectful in language. His sentence included extra duty, forfeitures of

pay, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 22 September 1944, he was so discharged.

The Board, in its review of his entire record and your application, carefully weighed all potential mitigation, such as his service during World War II, being wounded in action, and youth. The Board also considered a statement provided by a former shipmate, your contention that his discharge resulted from a single incident, and the Disabled American Veterans contention that undiagnosed Post Traumatic Stress Disorder (PTSD) may have contributed to his misconduct. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of his service due to the seriousness of his misconduct. Regarding the contentions, the record shows that he had five disciplinary actions and there is no evidence in the record to show that he was ever diagnosed as having a psychiatric disorder or PTSD. 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 late father's 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