



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

TRG  
Docket No: 7187-08  
21 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 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 Navy on 25 February 1948 at age 18 and reported to your first duty station on 18 July 1948. On 29 January 1949 you arrived in the United States on emergency leave which was apparently to expire on 12 February 1949. On 27 February 1949 you surrendered at the receiving station in Boston, Massachusetts.

A summary court-martial convened on 31 March 1949 and convicted you of an unauthorized absence from 13 February to 27 February 1949. The court sentenced you to forfeitures of pay and 15 days confinement. On 28 April 1949 you reported to your next duty station. On 21 June 1949 you were convicted by another summary court-martial of an unauthorized absence of about eight days and missing ship's movement. The court sentenced you to a bad conduct discharge which was suspended for six months. On 31 August and 21 October 1949 you received nonjudicial punishment (NJP) for shirking duty, unauthorized absence of about 22 days and a uniform violation. At the second NJP your suspension probation was terminated. The bad conduct discharge was issued on 26 October 1949.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth, limited education and low score on the aptitude test. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your multiple disciplinary infractions and especially your violation of probation. 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,

  
W. DEAN PFEIFFER  
Executive Director