



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

TJR  
Docket No: 8015-08  
24 June 2009

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your late father's naval record pursuant to the provisions of Title 10, 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 17 June 2009. The names and votes of the members of the panel will be furnished upon request. 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Your father enlisted in the Naval Reserve on 27 October 1942 at age 18 and began a period of active duty the following month. He served for a year without disciplinary incident, but on 3 December 1943, he was convicted by summary court-martial (SCM) of a six day period of unauthorized absence (UA) and sentenced to a \$92.40 forfeiture of pay and a bad conduct discharge (BCD). The BCD was suspended for six months. However, less than two months later, on 5 February 1944, he was again convicted by SCM of a 21 day period of UA and missing the movement of his ship. He was sentenced to a \$158.40 forfeiture of pay and a BCD, which was suspended for six months.

On 10 January 1946, at the expiration of his enlistment, he was discharged under honorable conditions.

The Board, in its review of your late father's entire record and your application, carefully weighed all potentially mitigating factors such as his youth, post service conduct, and service during wartime. It also considered your desire to have his discharge upgraded and your letter describing his background. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of his discharge because of his repeated periods of UA during wartime, court-martial convictions which resulted in BCD, and his continued misconduct after being awarded a BCD. Accordingly, your application has been denied.

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