



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

TJR
Docket No: 8761-08
21 May 2009



This is in reference to your application for correction of your 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 21 May 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 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.

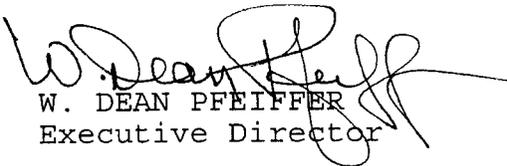
You enlisted in the Navy on 12 October 1951 at age 17 and served for about a year and nine months without disciplinary incident, but on 4 August 1953, you were convicted by special court-martial (SPCM) of a 25 day period of unauthorized absence (UA). On 24 December 1953 you received nonjudicial punishment (NJP) for a 16 day period of UA. About two months later, on 17 February 1954, you were convicted by SPCM of a 27 day period of UA. On 20 April and again on 18 May 1954 you received NJP for two periods of UA totalling 24 days.

On 30 July 1954 you were again convicted by SPCM of a 49 day period of UA. You were sentenced to confinement at hard labor for five months, a \$240 forfeiture of pay, and a bad conduct discharge (BCD). On 4 October 1954 you submitted a written request for immediate execution of the BCD, stating in part, that you did not like the Navy and that your family needed you at home. Subsequently, the BCD was approved at all levels of review and on 21 November 1954 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and your assertion that the record of UA is incorrect. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your BCD because of the seriousness of your repetitive and lengthy periods of UA which resulted in three NJPs and two court-martial convictions. 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