



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

TJR
Docket No: 8861-08
20 July 2009

[REDACTED]

[REDACTED]

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 14 July 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 Marine Corps on 8 October 1942. At that time you reported your date of birth as 17 July 1924, which meant that at the time of enlistment, you were age 18. You served without disciplinary incident until 21 December 1943, when you were convicted by summary court-martial (SCM) of disobedience, destruction of government property, and wrongful use of a government jeep.

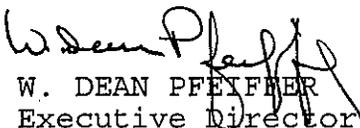
On 14 February 1944, although you wrongfully reported your date of birth as 17 July 1924, you were issued a letter of retention, and your record was corrected to show your date of birth as 17 July 1927. About a month later, on 22 March 1944, you were convicted by SCM of wrongful personal use of government property and absence from your appointed place of duty. On 29 July 1944 you were convicted by deck court (DC) of absence from your appointed place of duty.

On 15 January 1945 you were convicted by DC of absence from your appointed place of duty and sentenced to confinement for 20 days and a \$20 forfeiture of pay. Your record reflects that some time later in 1945, you were again convicted by DC of absence from your appointed place of duty and sentenced to confinement for 10 days. In October 1945, you were processed for an administrative discharge by reason of convenience of the government. The discharge authority directed your commanding officer to issue you a general discharge by reason of convenience of the government, and on 13 October 1945, 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 and desire to upgrade your discharge. It also considered your assertion that the characterization of your service was based on a conspiracy to cover up the fact that you enlisted and were retained in the Navy at such a young age. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in five convictions. Further, there is no evidence in the record, and you submitted none, to support your assertion of a conspiracy. Finally, Sailors who are discharged after committing multiple offenses normally receive undesirable discharges, and the Board concluded that you were very fortunate to receive a general discharge. 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