



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

TRG
Docket No: 9033-08
16 January 2009

[REDACTED]

This is in reference to your application for correction of your late husband's 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 13 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 late husband'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.

Your late husband was honorably discharged from the Navy on 8 June 1955 for the purpose of immediate reenlistment. A copy of the DD Form 214 issued at that time is enclosed.

He reenlisted in the Navy on 9 June 1955 for six years. During the period from 10 August 1955 to 20 March 1956 he received nonjudicial punishment on four occasions and was convicted by a summary court-martial. His offenses were three periods of unauthorized absence totaling about 32 days, using alcohol while in a restricted status and disobedience. A general court-martial convened on 14 March 1956 and convicted him of the theft of a government check and fraudulently endorsing that check. The sentence of the court included a bad conduct discharge. He received the bad conduct discharge on 8 February 1957.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your late husband's limited education, low score on the aptitude test and his prior honorable service. The Board found that these factors were not sufficient to warrant recharacterization of his discharge given his conviction by a general court-martial of a serious offense. 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

Enclosure