



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

TJR
Docket No: 10344-08
1 October 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 29 September 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 29 March 1943 at age 18 and served without disciplinary incident until 19 August 1943, when you were convicted by deck court for a five day period of unauthorized absence (UA). You were sentenced to confinement for 10 days and a \$36 forfeiture of pay.

During the period from 11 February to 19 September 1944 you received captain's mast (CM) on two occasions and were convicted by summary court-martial (SCM). Your offenses were sleeping on watch, a 14 day period of UA, and destruction of government property. About eight months later, on 17 May 1945, you were convicted by SCM of a 23 day period of UA. You were sentenced to confinement for 30 days, extra duty for a month, and a \$90 forfeiture of pay.

Subsequently, you were processed for an administrative separation by reason of convenience of the government. The discharge authority directed separation under honorable conditions by reason of convenience of the government, and on 29 December 1945 you were issued a general discharge.

At the time of your separation character of service was based, in part, on conduct and proficiency averages which were computed from marks assigned during periodic evaluations. Your conduct average was 2.6. An average of 3.25 in conduct was required at the time of your separation for an honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, honorable post military service, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct and since your conduct average was insufficiently high to warrant a fully honorable characterization of service. Further, individuals discharged with a disciplinary record, such as yours, would normally receive an other than honorable discharge, and as such you were 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