



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

SMS
Docket No: 1249-08
9 October 2008

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your 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 8 October 2008. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

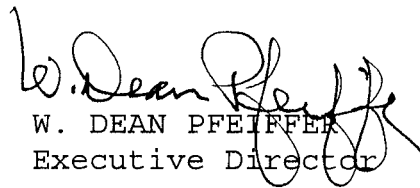
On 28 September 1943, you enlisted in the Navy Reserve at age 17 with parental consent and began a period of active service. You then served without incident for more than 13 months. On 25 November 1944, you began an unauthorized absence (UA) that ended on 23 December 1944, a period of about 28 days. On 16 January 1945, you were convicted by a general court-martial of the 28 day period of UA and missing the movement of your ship. Your sentence included reduction in rank, confinement, and a bad conduct discharge (BCD). A portion of your sentence was later reduced, your BCD was directed to be held in abeyance and you were placed on 6 months of probation. On 20 March 1945, you were released from confinement. On 25 March 1945, you began another period of UA when you failed to comply with orders. On 18 April 1945, you were apprehended by civilian authorities after being in a UA status for a period of about 24 days. On 30 April 1945, you had captain's mast for

the 24 day period of UA and your suspended BCD was vacated and ordered executed. You were subsequently denied clemency and restoration to duty. On 4 March 1946, you were discharged with a BCD.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth, service during World War II, and desire for a better discharge. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct that continued even after you were placed on probation. Therefore, 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