



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

TAL
Docket No: 3923-09
16 April 2010

[REDACTED]

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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 14 April 2010. 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.

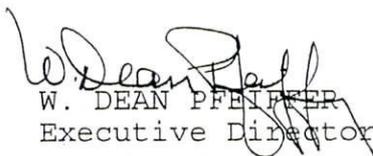
You enlisted in the Navy Reserve and began a period of active duty on 30 January 1942 at age 19. On 2 June 1943, you received nonjudicial punishment (NJP) for a four day period of unauthorized absence (UA) from your unit. On 16 November 1943, you received NJP for UA from your unit. On 29 November 1943, you received NJP for a two day period of UA from your unit. On 19 January 1944, you were convicted by summary court-martial (SCM) of a 29 day period of UA from your unit. On 7 March 1944, you received NJP for a two day period of UA from your unit. On 23 May 1944, you were convicted at SCM of a 15 day period of UA from your unit. The sentence imposed was forfeiture of pay and a bad conduct discharge (BCD). The BCD was suspended for six months to be executed in case of further misconduct. On 17 June 1944, you were convicted by SCM of UA from your unit. On 4 August 1944, you received NJP for UA from your unit for eight days, and at that time, the BCD was vacated. You received the BCD after appellate review was complete.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization

of your discharge given the seriousness of your misconduct that resulted in five NJPs and three SCMs. Finally, the Board noted that you were given an opportunity to earn a better characterization of service when the BCD you received at an earlier court-martial was suspended, but failed to do so as evidenced by your continued misconduct. 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