



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

TJR  
Docket No: 4007-09  
2 April 2010

[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 30 March 2010. 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 17 February 1944 at age 22 and began a period of active duty. You served about seven months without disciplinary incident. However, your record reflects that on 23 September and 27 November 1944, you received disciplinary report slips for absence from your appointed place of duty and shirking.

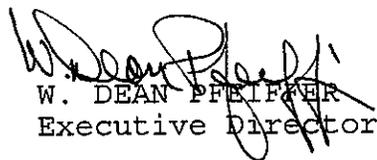
On 10 April 1945 you were convicted by general court-martial (GCM) of a 19 day period of unauthorized absence (UA) and missing the movement of your ship. You were sentenced to a reduction in rate, confinement for 14 months, and a bad conduct discharge (BCD), all of which was suspended for 12 months. However, on 9 September 1945, you began another period of UA that was not terminated until 6 November 1945. As a result of this action, the suspended sentence imposed on 10 April 1945 was terminated. On 10 December 1945 you were convicted by GCM of a 58 day period of UA and sentenced to a reduction in rate, confinement for 17 months, and a BCD.

On 12 June 1946 you submitted a written request for restoration to duty, however, this request was subsequently denied. Shortly thereafter, the BCD was approved at all levels of review, and on 5 August 1946, you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, desire to upgrade your discharge, and the passage of time. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your repeated misconduct during time of war. Finally, you were given an opportunity to earn a better characterization of service when the BCD received at an earlier GCM was suspended, but failed to do so as evidenced by your continued misconduct. 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