



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

TJR  
Docket No: 4535-09  
13 April 2010

[REDACTED]

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

Your father enlisted in the Navy on 9 October 1942 at age 17 and served without disciplinary incident until 26 May 1943, when he received captain's mast (CM) for leaving his post without permission. About three months later, on 19 August 1943, he was convicted by summary court-martial (SCM) of theft of \$239 from a fellow shipmate. He was sentenced to a \$150 forfeiture of pay and bad conduct discharge (BCD). At that time he submitted a written statement in which he explained that he was in an unauthorized absence (UA) status because he was taking care of his mother who had recently undergone an operation for cancer. Subsequently, the BCD was approved at all levels of review, and on 8 October 1943, your father was issued a BCD.

The Board, in its review of your late father's entire record and your application, carefully weighed all potentially mitigating factors, such as his youth and post service conduct and your

desire to upgrade his discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of his discharge given the seriousness of his 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 PFEFFER  
Executive Director