



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

TAL
Docket No: 6052-09
29 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 21 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 and began a period of active duty on 1 August 1952 at age 17. You were convicted by two special courts-martial (SPCM) on 27 July 1953 and 22 February 1954 for unauthorized absence (UA) from your unit for periods totaling 76 days. On 2 April 1954, you were convicted by summary court-martial (SCM) for altering with intent to deceive, an official light duty chit. On 25 May 1964, you were again convicted by SPCM for UA from your unit for a period of 21 days. The sentence imposed was three months confinement, reduction in paygrade, forfeiture of pay and a bad conduct discharge (BCD). The BCD was suspended for six months plus the period of confinement. On 12 July 1954, your commanding officer recommended that you be discharged as undesirable by reason of unfitness based on your frequent involvement with military authorities. You signed a statement of awareness and indicated no objection to the discharge. On 18 August 1954, the discharge authority directed an undesirable discharge by reason of unfitness. On 27 August 1954 you were so discharged.

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 one SCM and three SPCMs. 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