



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

SJN  
Docket No: 08091-09  
11 May 2010



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 7 May 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.

Following a thorough review of your naval record the Board found that you were convicted by summary court-martial (SCM) of 25 days of absence without leave (AWOL). During the period from December 1948 to October 1949, you received four captain's masts (CM's) for shirking duty, missing muster, two periods of AWOL, and disobedience. Additionally, you were convicted by a second SCM of 13 days of AWOL. As a result, you received a bad conduct discharge (BCD) that was later remitted to six months probation. However, in April 1950, you received a fifth CM for five hours of AWOL and in July 1950, you violated your probation by being found guilty of 15 hours of AWOL, forgery, and missing muster. You received the BCD on 17 July 1950.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your five NJP's, one of which was imposed while on probation, convictions by SCM's, and the fact that you further violated your probation by committing additional 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,



ROBERT D. ZSALMAN  
Acting Executive Director