



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

TJR  
Docket No: 10747-09  
12 August 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 10 August 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.

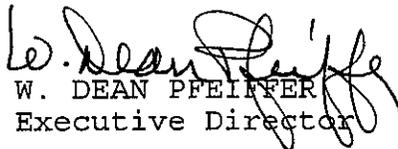
You enlisted in the Navy on 11 August 1952 at age 17 and served without disciplinary incident until 17 May 1953, when you were convicted by summary court-martial (SCM) of a 14 day period of unauthorized absence (UA). On 17 September 1953 you received nonjudicial punishment (NJP) for negligence of duty.

On 12 October 1954 you were convicted by general court-martial (GCM) of a 102 day period of UA and missing the movement of your ship. You were sentenced to confinement at hard labor for one year, forfeiture of all pay and allowances, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 7 March 1955 you submitted a written request for immediate execution of the BCD in which you stated, in part, that you were having family problems, were unable to adjust to military life, and needed a clean start as a civilian. Subsequently, the BCD was approved at all levels of review, and on 22 August 1955 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 and desire to upgrade your discharge. It also considered your assertion that the BCD was too harsh for an offense of UA. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct and lengthy periods of UA from the Navy. 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