



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

SJN  
Docket No: 03967-10  
13 October 2010

[REDACTED]

This is in reference to your application for correction of your late uncle, [REDACTED]'s 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 5 October 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 late uncle'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 late uncle enlisted in the Navy and began a period of active duty on 13 June 1941. The Board found that during the period from 27 June to 21 November 1942, he was convicted by three summary courts-martial (SCM's) of three periods of absence without leave (AWOL) totaling 23 days and unauthorized possession of government property. As a result of his third SCM, he was sentenced to extra duty, a forfeiture of pay, and a bad conduct discharge (BCD). He received the BCD on 2 December 1942 after appellate review was completed.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as you uncle's youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of his discharge given his three SCM convictions. 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