



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

TAL
Docket No: 5806-10
4 March 2011

[REDACTED]

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 2 March 2011. 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 8 July 1947 at age 17. You received nonjudicial punishment (NJP) on three occasions from 17 March 1948 through 11 January 1949 for being drunk while in the performance of duty, disobeying a lawful order and two instances of unauthorized absence (UA) from your command for a period totaling six days. On 18 May 1949, you were convicted by summary court-martial (SCM) of UA from your unit, disobeying a lawful order, and possession of another person's identification (ID) card. The sentence imposed was a bad conduct discharge (BCD). The convening authority suspended the BCD for six months. On 24 September 1949, you received NJP for disobeying a lawful order by possessing two ID cards. On 26 September 1949, the convening authority vacated the suspended BCD. On 30 September 1949 you were 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 four NJPs and a SCM. Finally, although the BCD was suspended for six months, on 24 September 1949 this suspension

was vacated due to your continued misconduct. 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