DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BAN
Docket No: 06962-10
19 March 2011

[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 16 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 entered active duty in the Navy on 3 August 1954, and served without disciplinary incident until 13 July 1955, when you were convicted at a summary court-martial of an unauthorized absence (UA). Shortly thereafter, you received the following disciplinary actions: on 25 October 1955, you were convicted at a special court-martial (SPCM) of larceny; and on 14 June 1956 you were convicted at a SPCM of UA in excess of 61 days, and missing ship's movement. Your sentence at the second SPCM included a bad conduct discharge (BCD). After appellate review, on 2 November 1956, you were separated from the Navy with a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, injuries incurred while on active duty, and belief

that your offenses do not warrant a BCD. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your 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

W. DEAN PFEIFFER
Executive Director