



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

SJN  
Docket No: 08858-10  
8 June 2011

[REDACTED]

This is in reference to your application for correction of your late husband'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 7 June 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 husband'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 husband enlisted in the Navy and began a period of active duty on 13 March 1946. On 25 September 1946, he began a period of unauthorized absence (UA). His command was informed that he had been arrested and convicted by civil authorities, the day before his UA started, on 24 September 1946, of a violation of the California vehicle code and theft of an automobile. He was sentenced to two years of probation, six months in jail, which was suspended for the period of probation, ordered not to drive for a period of one year, refrain from drinking alcohol, and a fine of \$100. On 24 October 1946, he returned from being UA. On 29 October 1946, he was convicted by summary court-martial (SCM) of 28 days of UA. He was sentenced to extra duty and a forfeiture of pay. Although your husband's commanding officer recommended that he be retained in the naval service, the Chief of Naval Personnel directed that he be separated from the Navy with an undesirable discharge by reason of misconduct due to the conviction by civil authorities. Subsequently, he received an undesirable discharge on 22 November 1946.

The Board, in its review of your late husband's entire record and your application, carefully weighed all potentially mitigating factors, such as his youth, overall record of service, reason why he went UA, character letter, and your present medical condition. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of his discharge based on the civil conviction of very serious offenses. 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