



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

SJN  
Docket No: 09147-10  
27 April 2011

[REDACTED]

This is in reference to your application for correction of your late father'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 26 April 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 late father'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 father enlisted in the Navy and began a period of active duty on 29 January 1948 at age 17. The Board found that on 27 July 1949, he received deck court (DC) for six days of unauthorized absence (UA). He received 20 days of confinement and a forfeiture of pay. On 30 September 1949, he was convicted by summary court-martial (SCM) of two periods of UA totaling eight days. He was sentenced to solitary confinement on bread and water, and a forfeiture of pay. On 11 January 1950, he was convicted by a second SCM of an eight day period of UA and sentenced to a forfeiture of pay, and a bad conduct discharge (BCD). However, the BCD was suspended for a period of six months. On 21 June 1950, he received captain's mast (CM) for UA, and received extra duty. On 25 August 1950, he was convicted by a third SCM of 17 days of UA. He was sentenced to a forfeiture of pay, extra duty and a BCD. Again, his BCD was suspended for a period of six months. Unfortunately, on 25 September 1950, he received a second CM for a period of UA. Subsequently, his commanding officer vacated the suspended BCD sentenced on 25 August 1950. He received his BCD on 9 October 1950 after appellate review was completed.

The Board, in its review of your late father's entire record and your application, carefully weighed all potentially mitigating factors, such as his youth, overall record of service and your belief that his characterization of service should be automatically upgraded after a period of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of his discharge given his record of two CM's, DC, and convictions by three SCM's of serious offenses during the time of your father's service. Further, the Board noted that he was given an opportunity for retention or to earn a better characterization of service when his sentence to a BCD was suspended on two occasions. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization of a discharge automatically due solely to the passage of time. 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