



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

TJR
Docket No: 10000-10
14 January 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 11 January 2011. The names and votes of the members of the panel will be furnished upon request. 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 on 19 July 1951 at age 18 and served without disciplinary incident until 14 November 1951, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty and smoking in your bunk. On 25 November 1953 and again on 1 May 1954 you received NJP for two periods of unauthorized absence (UA) totalling seven days, absence from your appointed place of duty, and missing muster.

On 23 September 1954, while serving in Istanbul, Turkey, you were convicted by general court-martial (GCM) of disrespect, failure to obey a lawful order, and communicating a threat. You were sentenced to confinement at hard labor for six months, a \$300 forfeiture of pay, reduction to rank, and a bad conduct discharge (BCD). On 21 February 1955 you submitted a written statement to a clemency board in which you requested restoration to duty and a one-year extension of your enlistment. On 10 March 1955 a clemency board denied your request stating, in part, that your offenses were too serious for you to be considered for

restoration to duty and that it was the board's opinion that you would repeat your pattern of misconduct if restored to duty. Subsequently, the BCD was approved at all levels of review, and on 22 April 1955 you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct which resulted in three NJPs, a GCM, and a punitive discharge. Accordingly, your application has been denied.

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