



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

BJG  
Docket No: 329-11  
12 October 2011

[REDACTED]

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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 12 October 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.

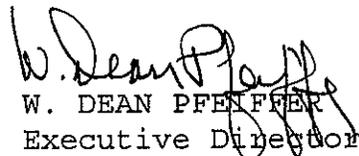
After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Naval Reserve and entered active duty on 28 March 1945. You received two captain's masts and an officer in charge's mast for absence over liberty, not wearing a "squared away" cover, and sleeping while on duty. You are only contesting the sleeping while on duty captain's mast. On 27 June 1946, you received an honorable characterization of service discharge at the completion of your required active duty.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, World War II service, and alleged hearing loss. However, the Board concluded that your captain's mast should not be removed since you have provided no evidence of any hearing loss at the time of your offense. The Board noted that your health record does not reveal any evidence of hearing loss, and that the charge is sleeping while on duty, not failing to report for duty due to over sleeping. The Board also noted that you were fortunate to receive an honorable characterization of service since Sailors who have committed misconduct such as yours are normally discharged under other than honorable conditions. In view of the above, 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 PFENFFER  
Executive Director