



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

TJR  
Docket No: 1719-11  
8 November 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, 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 2 November 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 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.

The record reflects that your father enlisted in the Navy on 5 June 1951 at the age of 19. He served without disciplinary incident until 14 July 1952, when he received captain's mast (CM) for being absent from his appointed place of duty.

In January 1953 civil authorities issued an arrest warrant for your father for armed robbery. On 15 June 1953 he again received CM for being absent from his appointed place of duty. As a result of the civil arrest warrant, he was subsequently released from military custody to stand trial in civil court. On 19 June 1953 he was convicted, by civil authorities, of robbery by force and violence. However, his case was officially filed without a sentence.

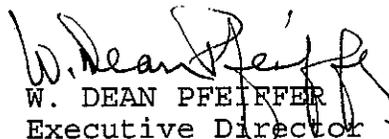
Although your father's commanding officer recommended he be retained in the Navy, in July 1953 he was administratively processed for discharge by reason of unfitness. The discharge authority directed the commanding officer to issue your father an undesirable discharge by reason of unfitness as evidenced by his

overall record of misconduct and civil conviction. On 4 November 1953 your father was issued an undesirable discharge.

The Board, in its review of your application and the entire record of your late father, and carefully weighed all potentially mitigating factors, such as his youth and period of satisfactory service, and your desire to upgrade his discharge in recognition of his service and for burial honors. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of his discharge because of the seriousness of his repetitive misconduct in both the military and civilian communities. 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