



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD
ARLINGTON, VA 22204

SJN
Docket No: 02362-11
10 January 2012



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 5 December 2012. 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.

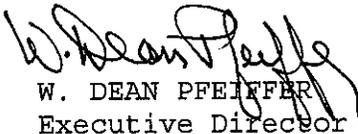
On 5 October 1949, you reenlisted in the Navy after serving over three years of honorable service. The Board found that you received six nonjudicial punishments (NJP's) for five periods of unauthorized absence (UA), failure to answer reveille, conduct to the prejudice of good order and discipline by failing to pay a taxi fare, being drunk on shore, and being out of uniform. You were convicted by deck court (DC) of one day of UA, two summary court-martial's (SCM's) of two specifications of absence from your appointed place of duty and UA. Finally, you were convicted by special court-martial (SPCM) of two specifications of disobedience and assault. You were sentenced to a period of confinement at hard labor and a reduction in paygrade.

As a result of this misconduct, administrative discharge action was initiated and it was recommended that you receive an undesirable discharge by reason of unfitness. You were notified of pending administrative separation action and an administrative discharge board (ADB) recommended that you be discharged from the service with an undesirable discharged due to unfitness, which you received on 13 April 1954.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and belief that your characterization of service would be automatically upgraded after 30 days. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your six NJP's, DC, two SCM's, and conviction by SPCM of serious offenses. Finally, you are advised that there is no provision of law or in Navy regulations that allows for recharacterization 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