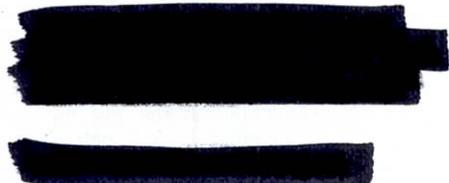




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 345-12
27 September 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 26 September 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.

You enlisted in the Navy and began a period of active duty on 31 October 1950 at age 20. You received nonjudicial punishment (NJP) on two occasions, 26 March and 6 May 1951 for failure to go to your appointed place of duty, failure to obey a lawful regulation and dereliction in the performance of your duty. On 10 May 1951, you were convicted by summary court-martial (SCM) of unauthorized absence (UA) from your unit for a period of six days. On 1 November 1951, you received NJP, for UA from your unit for a period totaling 32 hours. On 27 December 1951, you were convicted by special court-martial (SPCM) of UA from your unit for two periods totaling 25 days and missing ship's movement. The sentence imposed was confinement and a bad conduct discharge (BCD). On 8 April 1952, you were again

convicted by SPCM of UA for a period of two days, two instances of failure to obey a lawful order and breaking restriction. On 9 July 1952, you received the BCD after appellate review was complete.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the repetitive and serious nature of your misconduct that resulted in three NJPs, a SCM and two SPCMs, all which took place during the Korean War. 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