



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

SJN
Docket No: 02672-13
2 April 2014

[REDACTED]

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 1 April 2014. 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 and began a period of active duty on 28 November 1942. The Board found that on 24 June 1944, you were convicted by deck court (DC) of seven days unauthorized absence (UA) and missing ship's movement. On 4 October 1945, you were convicted by general court-martial (GCM) of 29 days of UA that ended with your apprehension. You were sentenced to a reduction in paygrade, confinement, and a bad conduct discharge (BCD). However, on 28 January 1946, you were released from confinement and returned to full duty. You were placed on six months probation, which required that your conduct continued to remain satisfactory. On 12 March 1946, you were convicted by DC of 27 hours of UA and sentenced to a period of confinement. On 16 July 1946, you received nonjudicial punishment (NJP) for nine days of UA that ended in your apprehension. Subsequently, your probation was terminated and you had to serve the unexecuted portion of your GCM sentence. You received the BCD on 24 October 1946 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth, service during World War II, and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your two DC's, NJP, GCM conviction, and fact that you were given an opportunity for retention and to earn a better characterization of service when you were placed on probation after your GCM. 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,



ROBERT D. ZSALMAN
Acting Executive Director