



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

SJN
Docket No: 02844-13
10 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.

[REDACTED]

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 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.

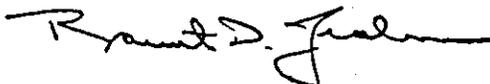
You enlisted in the Navy and began a period of active duty on 25 September 1945. The Board found that on 12 March 1946, you were convicted by summary court-martial (SCM) of 11 days of unauthorized absence (UA) that ended with your apprehension. On 18 July 1946, you were convicted by general court-martial (GCM) of 12 days of UA that also ended with your apprehension, and breaking restriction. You were sentenced to a reduction in paygrade, confinement, and bad conduct discharge (BCD). However, on 17 December 1946, the BCD was held in abeyance and you were restored to full duty. At that time, you were placed on probation for six months. On 20 January 1947, you received nonjudicial punishment (NJP) for being absent from your appointed

place of duty, and the use of disrespectful language. On 28 January 1947, you received deck court (DC) for two periods of UA. On 25 March 1947, you were convicted by a second GCM of a period of UA, and breaking restriction. You were sentenced to a reduction in paygrade, confinement, and a dishonorable discharge (DD). However, on 28 April 1947, the convening authority mitigated your DD to a BCD. You received the BCD on 18 August 1947 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, medical issues, 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 all of your misconduct that resulted in NJP, SCM, DC, and two GCM convictions of serious offenses. Finally, the Board noted that you were retained and placed on probation after your first GCM to give you an opportunity to earn a better characterization of service, but continued your misconduct. 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