



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

TJR
Docket No: 1422-15
27 March 2015

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

Although your application was not filed in a timely manner, the Board found it in the interest of justice to waive the statute of limitations and consider your application on its merits. A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 17 March 2015. 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 31 December 1946. You satisfactorily served without disciplinary incident until 8 July 1947, when you were convicted by deck court (DC) of a one day period of unauthorized absence (UA).

During the period from 16 January to 3 June 1950 you received captain's mast (CM) on four occasions for not taking any effort in an inspection, giving a prisoner a cigarette, being out of uniform, disobedience, unauthorized possession of clothing, and wearing another's man clothing, torn clothing, nonregulatory shoes while on watch, and a dirty uniform. On 28 March 1950, you were also convicted by summary court-martial (SCM) of a seven day period of UA. On 24 May 1950, you were again convicted by SCM of two periods of UA totalling 12 days and missing the movement of your ship. At the latter SCM you were sentenced to a suspended bad conduct discharge (BCD) and were advised that continued

misconduct would result in the execution of the BCD. In this regard, the discharge authority remitted the BCD due to your continued misconduct. Subsequently, the BCD was approved at all levels of review and on 6 July 1950, you were so discharged.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your period of satisfactory service and desire to recharacterize your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct in such a short timeframe, which resulted in several disciplinary incidents. The Board also noted that you were sentenced to a BCD at an earlier SCM but it was suspended, thus giving you the opportunity to earn a better characterization of service. However, you failed to do so and committed further offenses and as a result of your continued misconduct, the BCD was ordered executed. 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 within one year from the date of the Board's decision. 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 J. O'NEILL
Executive Director