



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 1991-01
8 August 2001

[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.

A three-member panel of the Board for Correction of Navy Records, sitting in executive session, considered your application on 1 August 2001. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 12 December 1945 for two years at age 17. The record reflects that you served without incident until 5 October 1946 when the shore patrol reported that you had been arrested by the civil authorities and charged with armed robbery. On 18 November 1946 you were convicted by civil authorities of first degree robbery and were committed to the California Vocational Institution to serve under the state youth authority until 22 July 1953. Further facts and circumstances surrounding your conviction are not on file in the record.

On 12 December 1946 the commanding officer advised the Chief of Naval Personnel of your conviction and incarceration, and recommended that you be discharged from the naval service. He noted that individuals were usually confined by the youth authority for 12 to 14 months. On 6 January 1947 the Chief of Naval Personnel directed that you be discharged as undesirable by reason of conviction by civil authorities. You were so discharged on 5 February 1947.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, good post-service conduct, and the fact that it has been more than 54 years since you were discharged. The Board noted your contentions that you were in a local bar when a robbery occurred, the police put everyone in the bar in jail, you were never given a chance to assert your innocence, and you were not afforded any kind of legal representation. The Board concluded that the foregoing factors were insufficient to warrant recharacterization of your discharge given the serious nature of your civil conviction. Your contentions are neither supported by the evidence of record nor by any evidence submitted in support of your application. Your conviction brought great discredit not only upon yourself, but also on the Navy and your peers. The Board concluded that the discharge was proper and no change is warranted. 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