



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

WMP  
Docket No: 2635-02  
3 October 2002



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 2 October 2002. 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.

The Board found that you enlisted in the Naval Reserve on 2 October 1943 at age 17 and on 9 October 1943 you were called to active duty. At that time, you had completed 11 years of education and attained test scores which placed you in Mental Group V.

You served without incident until 24 January 1944, when you received nonjudicial punishment (NJP) for intoxication ashore and resisting arrest. The punishment imposed was 14 days of restriction and extra duty.

Your record further reflects that on 8 May 1944 you were convicted by a summary court-martial of consuming alcohol while a minor, disobeying orders of the shore patrol, resisting arrest, failure to muster with the prisoners at large and

restricted men, disobeying a lawful order, and an unauthorized absence (UA) from 21 to 27 April 1944. You were sentenced to three months of extra police duties, forfeitures of \$25 per month for three months, and a bad conduct discharge. On 19 May 1944 the convening authority approved the adjudged sentence but remitted the forfeitures and extra police duties. You received the bad conduct discharge on 30 May 1944.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth, immaturity, low test scores, and your contentions that you were not guilty and the sentence was unjust. However, the Board concluded that your conviction for numerous instances of wartime misconduct clearly warranted the punishment which the court-martial imposed. In this regard, the Board also was aware of the prior nonjudicial punishment. The Board noted the documents submitted in support of your application and your statement detailing the circumstances surrounding your summary court-martial, but the Board did not find them sufficient to warrant recharacterization of your service. 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