



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

TJR  
Docket No: 3816-01  
31 January 2002

[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 Naval Records, sitting in executive session, considered your application on 29 January 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 9 December 1941 at the age of 17. Your record reflects that you served without disciplinary incident until 9 September 1942 when you received captain's mast (CM) for absence from your appointed place of duty and were awarded restriction for two weeks. Shortly thereafter, on 3 October 1942 you were convicted by summary court-martial (SCM) of a three day period of unauthorized absence (UA), absence from your appointed place of duty, and breaking restriction. You were sentenced to confinement on bread and water for 15 days and a \$81 forfeiture of pay.

During the period from 23 December 1942 to 7 January 1943 you were in a UA status for 14 days. On 5 March 1943 you were convicted by general court-martial (GCM) of the foregoing period of UA. You were sentenced to a reduction in rate, confinement for a year, and a bad conduct discharge (BCD), all of which was suspended for six months. On 10 August 1943 you received CM for shirking duty and were awarded confinement for seven days.

Your record further reflects that on 8 May and again on 25 September 1944 you received CM for unauthorized possession of another person's clothing and absence from your appointed place of duty. On 7 April and 9 July 1945 you received CM for attempting to go UA with another person's identification card and absence from your appointed place of duty.

On 4 October 1945, upon completion of your obligated service, you received a general discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and your Presidential Unit Citation. The Board also considered your contention that, with the exception of the mistakes you made early in your four year enlistment, you feel that you served your country well, and that your discharge should be upgraded. However, the Board concluded these factors and contention were not sufficient to warrant a change in the characterization of your discharge because of your repetitive misconduct which resulted in caption's mast on six occasions and two court-martial convictions, all of which occurred during a period of wartime. The Board further noted that your misconduct continued even after your sentence of confinement for a year and a BCD had been suspended. Additionally, in accordance with standards in effect at the time, your GCM conviction precluded the issuance of an honorable discharge. Further, no discharge is automatically upgraded due to the passage of time and/or an individual's good behavior after discharge. Given all the circumstances of your case, the Board concluded your discharge was proper as issued 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