



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

WMP

Docket No: 4921-02
19 December 2002

[REDACTED]

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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 17 December 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 were inducted in the Navy on 8 September 1943 at age 18 for the duration of World War II. The record reflects that you served without incident until 22 November 1943, when you were convicted by a summary court-martial of a 12 day period of unauthorized absence, from 8 to 19 November 1943. You were sentenced to forfeitures of \$15 per month for ten months and a bad conduct discharge. On 23 November 1943, the convening authority approved the adjudged sentence except for forfeitures in excess of six months and the bad conduct discharge, which was suspended for six months.

On 11 July 1945, you were convicted by a summary court-martial of failure to go to your appointed place of duty. You were sentenced to confinement at hard labor for one month and extra police duties for one month. On 12 July 1945, the convening

authority approved the adjudged sentence and ordered its execution.

The record further reflects that you were discharged for the convenience of the government under honorable conditions on 7 February 1946.

Characterization of service is based, in part, on conduct and proficiency averages, which are computed from marks assigned on a periodic basis. Your conduct and proficiency averages were 3.40 and 2.42, respectively. At the time of your service, an individual was required to attain averages of 3.25 in conduct and 2.75 in proficiency in order to receive a fully honorable characterization of service. Additionally, conviction by more than one summary court-martial precludes the issuance of an honorable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education and the fact that it has been over 58 years since you were discharged. The Board concluded that these factors were insufficient to warrant recharacterization of your discharge given your record of two convictions by summary court-martial and your failure to achieve the required average in proficiency. 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