



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

WMP

Docket No: 4999-02
6 December 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your husband's 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 4 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 husband's 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 Navy on 19 October 1951 for four years at age 18. Your record reflects that on 25 August 1953 you were convicted by summary court-martial of an eight day period of unauthorized absence, from 3 to 11 August 1953. You were sentenced to hard labor for 20 days and a forfeiture of \$10. On 9 September 1953, the convening authority approved the adjudged sentence and ordered its execution.

Your record further reflects that on 8 December 1953 you were convicted by summary court-martial of an unauthorized absence from 16 to 25 November 1953, a period of nine days. You were sentenced to confinement at hard labor for 27 days and a forfeiture of \$50. On 15 December 1953, the convening authority approved the adjudged sentence and ordered its execution.

On 5 January 1954 you received nonjudicial punishment (NJP) for being out of uniform. The punishment imposed was reduction in rate. On 19 February 1954 you received NJP for failure to be at your appointed place of duty. The punishment imposed was 24 hours of extra duty. You again received NJP on 7 April 1954 for two instances of failure to be at your appointed place of duty. The punishment imposed was 14 days of restriction.

On 7 September 1954 you were convicted by special court-martial of two periods of unauthorized absence, from 3 to 6 July 1954 and 19 July to 23 August 1954, totaling 47 days. You were sentenced to confinement at hard labor for five months and forfeitures of \$20 per month for five months, and reduction in rate. On 10 September 1954, the convening authority approved the adjudged sentence and ordered its execution.

On 29 October 1954, you were recommended for an undesirable discharge by reason of unfitness. After being advised of all your procedural rights, you provided a statement requesting approval of the proposed separation.

On 8 December 1954, your commanding officer forwarded the proposed separation action, recommending an undesirable discharge, to the Chief of Naval Personnel (CNP). On 13 January 1955 CNP approved the undesirable discharge by reason of unfitness. On 1 February 1955 you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and your contention that your misconduct resulted from alcoholism. However, the Board concluded that the three NJP's and convictions by three courts-martial clearly supported the undesirable discharge by reason of unfitness. 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