



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

WMP

Docket No: 5121-02

26 November 2002

[REDACTED]

[REDACTED]

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 20 November 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 Navy on 8 December 1951 at age 17. At that time, you had completed 10 years of education and attained test scores which placed you in Mental Group III.

You served without incident until 28 April 1952 when you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty. The punishment imposed was 14 days of restriction. On 5 June 1952 you again received NJP for failure to go to your appointed place of duty. The punishment imposed was 10 hours of extra duty.

Your record further reflects that you served in Korea from 31 July 1952 to 10 January 1953. During this period of service you were awarded the Korean Service Medal, United Nations Service Medal, and the China Service Medal.

On 10 July 1953 you were convicted by a summary court martial of disorderly conduct, disrespect to military police, and communicating a threat. You were sentenced to 30 days of restriction and a forfeiture of \$20. On 11 July 1953 the convening authority approved the adjudged sentence and ordered its execution.

On 5 January 1954 you were convicted by a special court martial of failure to go to your appointed place of duty. You were sentenced to confinement at hard labor for three days and 30 days of restriction. On 11 January 1954 the convening authority approved the adjudged sentence and ordered its execution.

On 1 March 1954 you were convicted by a special court martial of failure to obey a general order, theft, and carrying a concealed weapon. You were sentenced to confinement at hard labor for six months, forfeitures of \$70 per month for six months, and a bad conduct discharge. On 9 December 1954, after the findings and sentence were approved by the Board of Review, you received the bad conduct discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, and your contention that your sentence was too severe. However, the Board concluded that your conviction at a special court martial for purchasing black market merchandise, theft of a military firearm, and carrying a concealed weapon were very serious charges that clearly warranted severe punishment, which the court martial imposed. Additionally, your prior record of misconduct, including two NJP's and two court martial convictions showed your total disregard for authority. 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