



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

CRS
Docket No: 7059-01
28 February 2002

[REDACTED]

[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 6 February 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 15 September 1947 at age 17. The record reflects that you received two nonjudicial punishments and were convicted by a deck court. The offenses included an unauthorized absence of seven days, missing movement, being out of uniform, and being drunk.

A summary court-martial convened on 4 April 1949 and found you guilty of an unauthorized absence of nine days and missing movement. The court sentenced you to a forfeiture of \$150 and a bad conduct discharge, both of which were suspended for six months. Subsequently, you received three more nonjudicial punishments and were convicted by a second deck court. The offenses included an unauthorized absence of eight days, missing movement, being drunk on two occasions, drunk and disorderly conduct, and possession of two identification cards. On 19 October 1949 the suspended bad conduct discharge was ordered executed and you were so discharged on 22 November 1949.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the offenses. The Board also noted that the initial sentence to a bad conduct discharge was suspended, thus giving you an opportunity to earn a better discharge. However, you continued to commit offenses, which resulted in the discharge being executed. Based on the foregoing, the Board concluded that no change to the discharge 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