



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

TJR
Docket No: 7134-00
28 March 2001

[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 21 March 2001. 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 7 November 1952 at the age of 18. Your record reflects that on 26 August 1953 you were convicted by special court-martial (SPCM) of a two day period of unauthorized absence (UA), absence from your appointed place of duty, and breaking restriction. You were sentenced to confinement at hard labor for five months, a \$500 forfeiture of pay, and a reduction in rate.

Your record further reflects that on 19 May 1954 you were convicted by summary court-martial (SCM) of an eight day period of UA and sentenced to hard labor for 15 days, a \$10 forfeiture of pay, and restriction for 20 days.

On 9 September 1954, while in a UA status, you were apprehended by civil authorities for temporary larceny of an automobile and retained for trial. On 24 November 1954 you were convicted by civil authorities of the foregoing charge and sentenced to confinement for three months.

Subsequently, on 17 February 1955, you were convicted by SPCM of a 155 day period of UA and missing the movement of your ship. You were sentenced to confinement at hard labor for two months, a \$110 forfeiture of pay, a reduction in rate, and a bad conduct discharge (BCD). On 6 May 1955, after the BCD was approved at all levels of review, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you were not represented by counsel at your courts-martial. The Board also considered your contention that you were promised pilot training if you enlisted in the Navy. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your misconduct in both the military and civilian communities. Given the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions. Given the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. As a result of the foregoing, 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