



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

TJR
Docket No: 10183-02
8 September 2003

[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 3 September 2003. 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.

You enlisted in the Navy on 9 May 1955 at age 17. On 21 October 1955 you were convicted by summary court-martial (SCM) of sleeping on watch. You were sentenced to a \$30 forfeiture of pay and confinement at hard labor for 10 days.

On 9 May 1956 you were convicted by special court-martial (SPCM) of a 30 day period of unauthorized absence (UA) and missing the movement of your ship. You were sentenced to confinement at hard labor for four months and a \$200 forfeiture of pay. You were again convicted by SPCM on 11 October 1956 of larceny and sentenced to confinement at hard labor for two months, a \$60 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was suspended until your release from confinement. However, on 16 October 1956 you began a 38 day period of UA that was not terminated until you were apprehended by civil authorities on 23 November 1956.

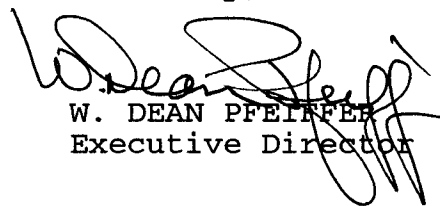
On 11 January 1957 you were convicted by SPCM of the foregoing period of UA and sentenced to a \$330 forfeiture of pay, confinement at hard labor for six months, and a BCD. On 3 May 1957 you submitted a written request for immediate execution of the BCD, in which you stated, in part, that you were having family problems. Subsequently, the BCD was approved at all levels of review and on 7 June 1957 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 are now in the early stages of Alzheimers disease and do not want the illness to become a burden to your family. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct and lengthy periods of UA which resulted in four court-martial convictions. The Board also noted that you were sentenced to a BCD at an earlier court-martial which was suspended pending your release from confinement, but upon your release you began yet another period of UA. 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