



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

TRG
Docket No: 2299-03
2 July 2003

[REDACTED]

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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 1 July 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Naval Reserve on 5 February 1943 at age 20 and reported to active duty on 12 February 1943. During 1943, you received nonjudicial punishment on two occasions and were convicted by a summary court-martial. Your offenses were two periods of unauthorized absence totaling about four days and missing quarters.

On 11 January and 8 July 1944 you were convicted by a deck court and received nonjudicial punishment for two periods of unauthorized absence totaling about 12 hours. A summary court-martial convened on 16 October 1944 and convicted you of an unauthorized absence of about 10 days. The court sentenced you to forfeitures of pay and a bad conduct discharge. The discharge was suspended for a probationary period of six months. On 4 December 1944, you were convicted by a third summary court-martial of an unauthorized absence of about nine days. However, for some reason the suspension of the bad conduct discharge was not vacated.

You reported aboard the USS DEGRASSE (AK 223) on 7 January 1945. Subsequently, you participated in the occupation of Okinawa. You

were issued a general discharge on 11 November 1945.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and the length of time since the general discharge was issued. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your extensive disciplinary record. In this regard, regulations in effect at the time of your discharge precluded the issuance of an honorable discharge to any individual convicted by two or more summary courts-martial. The Board therefore concluded that the general discharge was proper as issued and no change 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