



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

[REDACTED]
Docket No: 8116-07
30 January 2008

[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 24 January 2008. 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 Navy on 26 November 1952 at age 17 for the duration of your minority with an enlistment which was to expire on 6 June 1956, the day prior to your 21st birthday. During your enlistment, you received four disciplinary actions for periods of unauthorized absence (UA) totaling more than five days. You were honorably discharged on 14 December 1955 for the purpose of reenlistment.

You reenlisted in the Navy on 15 December 1955. During the period from 7 May 1956 to 6 November 1956, you were convicted by two summary and two special courts-martial. Your offenses were six periods of UA totaling about 39 days. The sentence of the second special court-martial included a bad conduct discharge which was suspended for a probationary period of six months. On 8 July 1957, you received nonjudicial punishment for drunkenness. On 7 October 1957, you were convicted by another special court-martial of a 30 day period of UA. The sentence of the court included a bad conduct discharge. The bad conduct discharge was issued on 4 February 1958.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and desire for veterans' benefits. The Board found that these factors were not

sufficient to warrant recharacterization of your discharge given your extensive disciplinary record. The Board concluded that the 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.

You may be eligible for veteran's benefits based on your period of honorable service. If you have been denied benefits based on this first period of service, you should appeal that denial under procedures established by the Department of Veterans Affairs.

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.

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