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

TAL
Docket No: 7321-10
1 April 2011

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 23 March 2011. 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 and began a period of active duty on 26 July 1949 at age 17. On 10 April 1950, you were convicted by general court-martial (GCM) of stealing a camera and disobeying a lawful written order. The sentence imposed was confinement for six months, reduction in paygrade, and a bad conduct discharge (BCD). On 17 August 1950 you were restored to duty and the BCD was suspended for six months. From 24 April through 21 December 1951, you received nonjudicial punishment on three occasions for unauthorized absence (UA) from your unit for a period of three days, three instances of disobeying a lawful order and failure to go to your appointed place of duty. On 17 April 1953, you were convicted by summary court-martial of UA from your unit for a period of 23 days. The sentence imposed was confinement for one month and a forfeiture of pay. You remained on active duty until 28 May 1953 when you were discharged under honorable conditions at the expiration of your enlistment.

Characterization of service is based in part on conduct and proficiency averages computed from marks assigned on a periodic basis. Your conduct average was 0.8. At the time of your service, a conduct average of 3.25 was required for a fully honorable characterization of service.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in a GCM, three NJPs, a SCM and failure to attain the required average in conduct. 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

W. DEAN PFEIFFER
Executive Director