



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

TJR  
Docket No: 4771-09  
26 April 2010

[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 20 April 2010. The names and votes of the members of the panel will be furnished upon request. 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 22 February 1944 at age 20. You served for a year and six months without disciplinary incident, however, on 2 August 1945, you received captain's mast (CM) for being insolent to a superior officer. The punishment imposed was reduction in paygrade to seaman first class (S1c). The record does not contain documentation regarding an appeal to this CM.

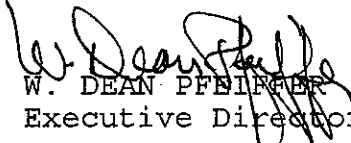
On 23 April 1946, at the expiration of your enlistment, you were honorably discharged while serving in paygrade S1c.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as the passage of time, your desire to be reinstated to paygrade S2c, and the supporting documentation provided with your application.

Nevertheless, the Board concluded these factors were not sufficient to warrant a change in your record because of the seriousness of your misconduct which resulted in CM. Further, the Board concluded that your misconduct was sufficient to support the reduction to S1c and should not be changed based solely on the passage of time or assertions of regret. Accordingly, your application has been denied.

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