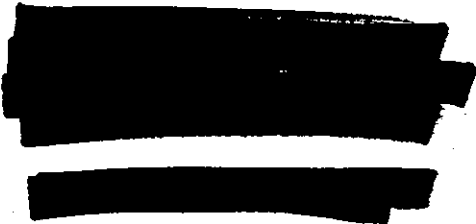




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
701 S. COURTHOUSE ROAD, SUITE 1001
ARLINGTON, VA 22204-2490

TAL
Docket No: 3300-13
26 February 2014



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 12 February 2014. 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.

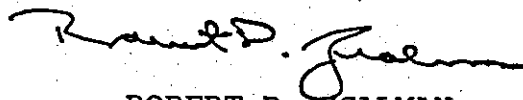
You reenlisted in the Navy on 17 December 1947 after more than three years of prior honorable service. On 7 May 1948, you received nonjudicial punishment (NJP) for unauthorized absence (UA) from your unit for a period of three days. On 17 May 1948, you were convicted at a deck court (DC) of UA from your unit for a period of one day and 11 hours, willfully disobeying a lawful order from your commanding officer and missing ship's movement. On 8 July 1948, you were convicted by summary court-martial (SCM) of UA from your unit for a period of four days and missing ship's movement. The sentence imposed was confinement and a forfeiture of pay. On 31 July 1948, you were again convicted by SCM of breaking arrest. The sentence imposed was a bad conduct discharge (BCD). The convening authority suspended the BCD for

six months. On 11 and 27 September 1948, you received NJP for two instances of UA from your unit and breaking arrest. The convening authority vacated the suspended BCD. On 29 October 1948 you were so discharged after appellate review.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your prior honorable 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 three NJPs and one DC and two SCM's. Finally, although the BCD was suspended for six months, on 29 October 1948 this suspension was vacated due to your continued misconduct. 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,



ROBERT D. ZSALMAN
Acting Executive Director