



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

CRS  
Docket No: 5881-98  
11 August 1999

[REDACTED]

Dear [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 10 August 1999. 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.

The Board found that you enlisted in the Navy on 22 October 1951 at age 17. Your record reflects that you received a nonjudicial punishment and were convicted by two summary courts-martial and a special court-martial. The offenses included unauthorized absences totalling 30 days, wearing a tailor made uniform, absence from your appointed place of duty on two occasions, failure to obey a lawful order, breaking restriction, and disorderly conduct.

A second special court-martial convened on 22 November 1954 and found you guilty of an unauthorized absence of seven days. The court sentenced you to confinement at hard labor for three months, forfeitures of \$60.66 per month for three months, reduction in rate to E-1, and a bad conduct discharge. However, the bad conduct discharge was suspended for six months. On 13 June 1955 you were convicted by a summary court-martial of an unauthorized absence of four days. Subsequently, the suspended bad conduct discharge was ordered executed and you were discharged on 29 July 1955.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and family problems. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your frequent misconduct, especially the unauthorized absences totalling more than a month. The Board also noted that the sentence to a bad conduct discharge was suspended, thus giving you an opportunity to earn a better discharge. However, you then were convicted by a summary court-martial, which resulted in the discharge being executed. Based on the foregoing, the Board concluded that no change to the discharge 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