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

CRS
Docket No: 7197-98
7 September 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 21 July 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 25 June 1952 at age 20. Your record reflects that you received six nonjudicial punishments and were convicted by three summary courts-martial. The offenses included unauthorized absences totalling four days, violation of a lawful general regulation, absence from your appointed place of duty, failure to obey a lawful order on two occasions, use of another's mess pass, and stealing food valued at 40 cents.

On 12 February 1954 the commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness. Subsequently, on 23 March 1954 a medical board found that you had a stomach ulcer. However, no further action was taken due to the administrative separation action. Consequently, after review by the discharge authority, the recommendation for separation was approved and you received an undesirable discharge on 21 April 1954.

In its review of your application the Board carefully weighed all

potentially mitigating factors such as your youth and immaturity, and satisfactory conduct and proficiency marks. The Board also considered your contentions of good postservice conduct, and that the command abused its authority when you were denied a medical discharge. The Board finally noted your request for clemency. However, the Board concluded that these factors and contentions were not sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with military authorities. The Board especially noted the fact that you were the subject of nine disciplinary actions during a period of less than two years. Further, there is no evidence in the record, and you have submitted none, to support your contentions. Therefore, the Board concluded that in view of your persistent misconduct, 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