



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

CRS

Docket No: 265-00

18 September 2000

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 7 September 2000. 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 Marine Corps on 25 June 1940 at age 18. The record reflects that you received a deck court and were convicted by a summary court-martial. The offenses included unauthorized absences totalling five days.

A second summary court-martial convened on 24 November 1941 and found you guilty of an unauthorized absence of nine days. The court sentenced you to forfeitures of \$15 per month for six months and a bad conduct discharge. However, it appears that the bad conduct discharge was suspended.

A general court-martial convened on 26 February 1942 and found you guilty of dereliction of duty by lying down in a truck while on watch. The court sentenced you to confinement for three years, forfeiture of all pay and allowances, and a dishonorable discharge. On 9 October 1942 the Secretary of the Navy mitigated the discharge to a bad conduct discharge. You received the bad conduct discharge on 30 November 1942.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of the wartime offense of which you were convicted by a general court-martial. The Board also noted that you were initially sentenced to a bad conduct discharge that was suspended, thus giving you an opportunity to earn a better discharge. However, you continued to commit offenses, which resulted in a general court-martial from which you eventually received a bad conduct discharge. 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