



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

TJR
Docket No: 6289-00
16 March 2001

[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 13 March 2001. 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.

The Board found you reenlisted in the Navy on 10 April 1951 after three years of prior honorable service.

Your record reflects that on 11 May 1951 you began a 155 day period of unauthorized absence (UA) that was not terminated until you were apprehended on 13 October 1951. During this period of UA you were also declared a deserter. On 14 December 1951 you were convicted by general court-martial (GCM) of desertion. You were sentenced to confinement at hard labor for 16 months, forfeiture of all pay and allowances, and a bad conduct discharge (BCD). On 12 May and again on 8 September 1952 you submitted written requests for immediate execution of the BCD. After the BCD was approved at all levels of review, on 7 January 1953 you were so discharged.

Your record contains a letter from the Bureau of Naval Personnel (BUPERS) dated 19 April 1960 which indicates that you are not entitled to a Good Conduct Medal. This letter further indicates

that you are only entitled to the National Defense Service Medal, Korean Service Medal, United Nations Service Medal, and the Korean Presidential Unit Citation Badge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior honorable service and your contention that you were recommended for a Good Conduct Medal. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your misconduct and your requests for immediate execution of the discharge instead of a request for reintegration to duty. Given the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Further, the Board noted the letter to you from BUPERS which indicates that you are not entitled to a Good Conduct Medal, a copy of which is enclosed for your information. Accordingly, your contention is without merit. As a result of the foregoing, your application has been denied.

Finally, the Board did note that as a result of your prior honorable service you may be eligible for veteran's benefits. You should contact the nearest office of Department of Veterans Affairs if you desire clarification about your eligibility for those benefits.

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