



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

WMP  
Docket No: 2196-01  
19 August 2002

[REDACTED]

[REDACTED]

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 14 August 2002. 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.

You enlisted in the Marine Corps on 23 May 1943 at age 17 for the duration of World War II. The record reflects that you served without incident until 18 September 1945, when you were convicted at a deck court of an unauthorized absence from 13 to 17 September 1945, a period of four days. The punishment imposed was reduction in rank to private first class. The record further reflects that you were honorably discharged after the completion of your required active service on 18 September 1946. Additionally, you served on active duty between 26 June 1947 until 20 January 1950 and from 12 September 1950 until 11 September 1951, without any incidents of misconduct.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and

immaturity, the fact that it has been over 55 years since you were discharged, and your contention that the deck court of 18 September 1945 never occurred. The Board concluded that although you contend that you never appeared before the deck court and that you were not guilty of any misconduct, you have provided no evidence to support this claim. Without any evidence to the contrary, the Board found that the deck court of 18 September 1945 was valid. 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