



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

TRG
Docket No: 2268-01
22 January 2002

[REDACTED]

Dear [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 8 January 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 Navy on 9 May 1946 at age 17. The record shows that during the period 16 July 1947 to 20 May 1948 you received nonjudicial punishment on three occasions and were convicted by two summary courts-martial. Your offenses were an unauthorized absence of about four hours, possession of clothing belonging to another person in the Navy, sleeping after reveille, slowness in obeying orders, several instances of disobedience, and bringing unauthorized alcohol aboard the naval station.

Another summary court-martial convened on 14 June 1948 and convicted you of disobedience. The court sentenced you to a bad conduct discharge. On 31 August 1948, the discharge was suspended on probation until 13 January 1949. Subsequently, you received two nonjudicial punishments for disobedience, insolence and an unauthorized absence of one day. Your probation was terminated on 20 December 1948. The bad conduct discharge was issued on 3 February 1949.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and limited education. The Board also considered the documentation that

indicates that you have been a good citizen for several decades. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the frequency of your misconduct and especially your violation of probation. A report from the Federal Bureau of Investigation shows that in 1959 you were convicted of aggravated robbery and were sentenced to a prison term. The Board concluded that the discharge was proper as issued and no change 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