



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

WMP
Docket No: 2684-02
3 October 2002



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 2 October 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.

The Board found that you enlisted in the Navy on 13 September 1948 for three years at age 17. At that time, you had completed 10 years of education and attained test score which placed you in Mental Group II.

You served without incident until 6 July 1949 when you received nonjudicial punishment (NJP) for shirking duty. The punishment imposed was confinement for three days on bread and water. On 27 September 1949 you received NJP for inattention to duty and the punishment imposed was ten hours extra duty. On 14 December 1949 you received NJP for failure to be at your appointed place of duty and the punishment imposed was 15 hours extra duty. On 30 December 1949 you received NJP for failure to be at your appointed place of duty and the punishment imposed was 15 hours extra duty. On 9 January 1950 you received NJP for failure to

be at your appointed place of duty and the punishment imposed was 10 hours of extra duty. On 14 February 1950 you received NJP for failure to be at your appointed place of duty and the punishment imposed was 30 hours extra duty.

Your record further reflects that on 23 February 1950 you were convicted by a summary court-martial of theft and sentenced to two months of extra police duties and a bad conduct discharge. On 27 February 1950 the convening authority approved the adjudged sentence but remitted the two months of extra police duties. On 3 April 1950, upon approval of the Secretary of the Navy, you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and that you believe that your sentence was too severe. However, the Board concluded that your conviction of theft clearly warranted the punishment, which the court-martial imposed. Additionally, your prior record of misconduct, including six NJP's, showed your total disregard for authority. 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