



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

TJR
Docket No: 3851-02
11 December 2002

[REDACTED]

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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 10 December 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 6 February 1946 at the age of 18. At the time of enlistment you had completed 11 years of formal education.

On 1 October 1946 you were convicted by deck court (DC) of sleeping on watch and were sentenced to a \$52 forfeiture of pay. On 5 November 1946 you received captain's mast (CM) for wrongful possession of another Sailor's dress blues. The punishment imposed was extra duty for 40 hours.

On 26 February and again on 3 April 1947 you received CM for a one day period of unauthorized absence (UA) and absence from your appointed place of duty. On 13 May 1947 you were convicted by general court-martial (GCM) of theft of \$348. You were sentenced to confinement for 24 months, reduction in rate to seaman apprentice (SA), and a dishonorable discharge (DD). On 22 May 1947 the sentence was mitigated to a bad conduct discharge (BCD) and the period of confinement was reduced to 18 months.

On 16 October 1947 you submitted a written request for restoration to duty. However, on 29 October 1947, this request was disapproved. After the BCD was approved at all levels of review, on 21 May 1948 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and character reference letters. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the serious nature of your theft offense and your other misconduct. 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