



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

TJR  
Docket No: 5504-01  
31 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, 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 29 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 14 October 1942 at the age of 18. Your record reflects that on 3 February 1943 you were convicted by summary court-martial (SCM) of a 14 day period of unauthorized abuse (UA) and were awarded extra duty for a month and a \$162 forfeiture of pay. On 6 April 1943 you were convicted by SCM of a 15 day period of UA and were awarded extra duty for three months and a \$162 forfeiture of pay.

On 25 May 1943 you began a 67 day period of UA that was not terminated until you were apprehended by civil authorities on 31 July 1943. On 27 August 1943 you were convicted by general court-martial (GCM) of the foregoing period of UA and were sentenced, as mitigated, to confinement for 18 months, a reduction in rate, and a bad conduct discharge (BCD). However, it was directed that you be restored to duty on six months of probation upon completion of six months of confinement.

On 6 February 1944 you were restored to duty and placed on probation. However, on 9 February 1944, you began a 55 day period of UA that was not terminated until you were apprehended

by civil authorities on 3 April 1944. On 13 May 1944 you received captain's mast (CM) for the 55 day period of UA. The probationary period was terminated at this time. After the BCD was approved at all levels of review, on 18 January 1945, you were discharged with a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your periods of UA occurred because you were issued the wrong orders. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive and lengthy periods of UA, which resulted in captain's mast and three court-martial convictions. The Board noted that your UA continued even after the BCD was suspended and you were restored to duty. Given all the circumstances of your case, the Board concluded your 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