



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

CRS
Docket No: 7167-02
11 September 2003

[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 10 September 2003. 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.

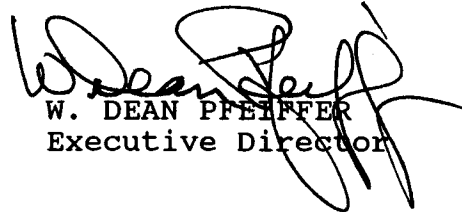
The Board found that you enlisted in the Navy on 20 March 1950. The record reflects that you received four nonjudicial punishments and were convicted by two summary courts-martial. The offenses included unauthorized absences totalling 16 days, shirking duty, sleeping during working hours, incapacitated for duty, failure to obey a lawful order, drunk and disorderly conduct, and jumping overboard while the ship was moored. One of the summary courts-martial sentenced you to a bad conduct discharge, but it was suspended for six months. Subsequently, you received three of the nonjudicial punishments and were convicted by the other summary court-martial.

On 6 October 1952 the commanding officer recommended that you be separated due to unsuitability, and with an undesirable discharge by reason of unfitness. When informed of the this recommendation, you elected to submit a statement on your behalf. After review by the discharge authority, the recommendation for separation was approved and on 12 November 1952 you received an undesirable discharge by reason of unfitness.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with military authorities. In this regard, the Board noted that you were the subject of six disciplinary actions within a period of less than three years. The Board also noted that you were given a second chance when the bad conduct discharge was suspended. However, you failed to take advantage of this opportunity, and continued to commit offenses. Based on the foregoing, the Board concludes that no change to the discharge 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

Copy to: The American Legion