



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

TJR
Docket No: 6419-08
21 May 2009

[REDACTED]

This is in reference to your application for correction of your late grandfather's 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 12 May 2009. The names and votes of the members of the panel will be furnished upon request. 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 late grandfather's 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.


Your late grandfather enlisted in the Naval Reserve on 6 May 1943 at age 17. He served without disciplinary incident until July 1944, when he received captain's mast (CM) for disobeying a lawful order. He was convicted by deck court (DC) in September 1944 of losing government property through negligence.

In November 1944 he was convicted by summary court-martial (SCM) of striking another Sailor and sentenced to a \$108 forfeiture of pay and a bad conduct discharge (BCD). However, the BCD was remitted for six months. Nonetheless, on 8 December 1944, he received CM and the remitted BCD was vacated. Subsequently, the BCD was approved at all levels of review, and on 18 May 1945 he was so discharged.

The Board, in its review of your application with attachments and your late grandfather's entire record, carefully weighed all potentially mitigating factors, such as his youth, correspondence regarding his medical and mental state after his discharge from the Navy, and his post service conduct. It also considered your desire to upgrade his discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of his discharge because of the seriousness of his repetitive misconduct. Accordingly, your application has been denied.

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