



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

CRS
Docket No: 7113-08
21 January 2009

[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 17 December 2008. 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 10 October 1950. You received four nonjudicial punishments for offenses that included an unauthorized absence, shirking duty, absence from appointed place of duty, permitting an unlicensed person to operate a vehicle, and absence from special liberty. On 6 June 1953 you were convicted by civil authorities of indecent exposure. The court sentenced you to confinement for 60 days. A summary court-martial convened on 28 July 1953 and found you guilty of an unauthorized absence of 29 days.

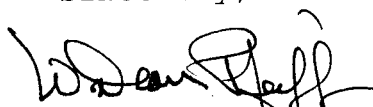
On 18 August 1953 your commanding officer recommended that you be separated from the Navy with an undesirable discharge by reason of unfitness due to civil conviction. The recommendation was approved by the separation authority, and you received an undesirable discharge on 20 November 1953.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, good post service conduct, and your need for medical benefits. The Board concluded that those factors were insufficient to warrant recharacterization of your discharge or a change in the reason for discharge, in view of your disciplinary

record. 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