



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

BAN
Docket No: 10648-08
30 September 2009

[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 16 September 2009. 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.

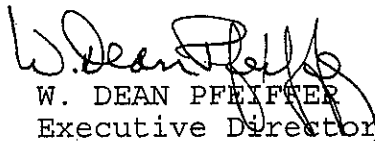
You enlisted in the Marine Corps on 30 January 1943, and were advanced to private first class on 31 December 1943. You served without disciplinary incident until 22 November 1944, when you received nonjudicial punishment (NJP) for disrespect toward a noncommissioned officer. As a result, you received five days on bread and water. However, you were never reduced in rate as a result any disciplinary action. On 27 October 1945, you were separated with an honorable discharge due to your expiration of active duty.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, the time you served in combat in Iwo Jima, and the Purple Hearts you were awarded for wounds received in action. Nevertheless, the Board concluded that your NJP did not reduce

you in rank, but rather, you were never advanced to the rank of corporal. 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. Therefore, if you can provide additional information that shows that you were, in fact, advanced to corporal, you can submit the documents and your case will be reconsidered. 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