



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

REC
Docket No: 01991-09
10 December 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 9 December 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.

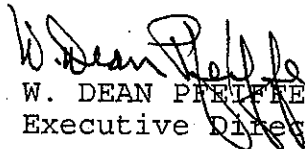
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Navy on 11 December 1957, at age 18. On 16 May 1958, you were convicted at a summary court-martial for being in an unauthorized absence (UA) status for four days. You were sentenced to a forfeiture of \$50, and confinement at hard labor for 20 days. On 7 August 1958, you were convicted by civil court at Beeville, Texas, for stealing a motor scooter and sentenced 90 days confinement. On 24 February 1959, you were convicted at a general court-martial (GCM) for being UA for a period of 108 days and sentenced to a forfeiture of all pay and allowances, confinement at hard labor for six months and to receive a bad conduct discharge (BCD). After appellate review, on 17 July 1959, you received the BCD.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. The Board noted that on your discharge paperwork (DD Form 214) it is not documented that you were discharged for desertion as you allege, therefore, no administrative action was required. 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