



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

BJG
Docket No: 10393-09
30 June 2010



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 29 June 2010. 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 entered active duty in the Army on 27 February 1946, and were honorably discharged on 18 November 1948. On 1 May 1950, you enlisted in the Navy. On 2 March 1953, you were recommended for administrative separation with an undesirable discharge for unclean habits (you had contracted venereal disease on three occasions in a 21 month period). You were then counseled and warned that further misconduct could result in administrative separation. On 1 July 1953, you were convicted at a special court-martial of stealing another Sailor's watch. Your

sentence included a bad conduct discharge (BCD). On 24 March 1954, after appellate review, you received the BCD.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth, prior honorable service, and desire to upgrade your discharge. However, the Board concluded that your BCD should not be changed due to your serious act of misconduct. The Board noted that you committed another offense after being counseled and warned that further misconduct could result in administrative separation. In view of the above, 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