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

TRG
Docket No: 4002-98
25 June 1999

[redacted]

Dear [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 22 June 1999. 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 11 July 1952 at age 20. Prior to the offenses for which you received the bad conduct discharge, you were awarded nonjudicial punishment on four occasions and were convicted by a summary court-martial and a special court-martial. Your offenses were five periods of unauthorized absence totaling about 65 days and refusing to get up at reveille.

A general court-martial convened on 11 April 1955 and convicted you of two periods of unauthorized absence totaling about 49 days. The court sentenced you, as mitigated, to forfeiture of all pay and allowances, confinement at hard labor for nine months and a bad conduct discharge. On 8 September 1955 you elected to waive your right to request restoration to duty. The bad conduct discharge was issued on 14 November 1955.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and low score on the aptitude test. The Board also considered your contention that you suffered from chronic seasickness. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your

discharge given the frequency of your misconduct and especially the last two periods of absences which resulted in the general court-martial conviction. There is no evidence in the record, and you have submitted none, to show that you suffered from seasickness. However, even if true, such a condition was not considered sufficient to excuse or mitigate your misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

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