



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

TRG  
Docket No: 5496-99  
5 November 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your late father's 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 2 November 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 late father's 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 your father enlisted in the Navy on 16 July 1920 at age 18. During 1920 he received nonjudicial punishment on two occasions and was convicted by a deck court and a summary court-martial. His offenses were theft, gambling, prowling around private homes and going through another man's locker. A second summary court-martial convened on 15 February 1921 and convicted him of the theft of a camera. The court sentenced him to a bad conduct discharge. He was so discharged on 15 February 1921.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as his youth, and the fact that the discharge occurred over 78 years ago and that he is has been deceased for many years. The Board also considered your contention that the discharge was too severe. However, the Board found that these factors and contentions were not sufficient to warrant recharacterization of his discharge given his repeated offenses which included several instances of theft. 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