



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

TJR
Docket No: 2786-02
28 August 2002

[REDACTED]

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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 27 August 2002. 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 3 January 1945 at the age of 17. At the time of enlistment you had completed eight years of formal education and had a general classification test (GCT) score of 38, which placed you in Mental Group IV.

You served for a year without disciplinary incident until 4 January 1946 when you were convicted by deck court (DC) of a one day period of unauthorized absence (UA), two periods of absence from your appointed place of duty, and breaking restriction. Shortly thereafter, on 13 January 1946, you were convicted by summary court-martial (SCM) of breaking restriction, absence from your appointed place of duty, and disrespect. You were sentenced to confinement for two months. On 23 July 1946 you received captain's mast (CM) for absence from your appointed place of duty and were awarded confinement for seven days.

On 6 January 1947 you were convicted by SCM of theft of government property, specifically, a .45 caliber pistol valued at \$26.97 and wrongful disposal of government property. You were sentenced to extra duty for three months and a bad conduct

discharge (BCD). The BCD was suspended for 12 months. However, on 24 January 1947, you received CM for breaking restriction and absence from your appointed place of duty. The punishment imposed was termination of the suspended BCD. After review of the 6 January 1947 SCM, the convening authority set aside the charge of wrongful disposal of government property stating, in part, that this charge was included in the theft charge. However, the convening authority approved the finding of guilty on the latter charge, and the sentence to a BCD. On 20 March 1947 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, limited education, low test scores, the period of good service, and post service conduct. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in three convictions and two captain's masts. Further, the Board noted that the BCD was suspended, thus giving you the opportunity to earn a better characterization of service. However, you failed to take advantage of this opportunity and committed offenses which resulted in termination of the probation periods and execution of the BCD. 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