



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

TJR
Docket No: 5757-00
26 February 2001



Dear [REDACTED]

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 13 February 2001. 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.

The Board found you enlisted in the Navy on 17 June 1943 at the age of 17. Your record reflects that on 21 April 1944 you received captain's mast (CM) for an absence from your appointed place of duty. On 18 October and on 3 November 1944 you received CM for absence from your appointed place of duty and disorderly conduct. On 8 December 1944 you were convicted by deck court (DC) of disorderly conduct and drunkenness and were sentenced to a \$15 forfeiture of pay.

During the period from 12 February to 20 June 1945 you were convicted by DC on three occasions for a two day period of unauthorized absence (UA), drunkenness, and absence from your appointed place of duty. You also received CM for absence from your appointed place of duty. On 3 December 1945 you were convicted by general court-martial (GCM) of a 62 day period of UA. You were sentenced to a reduction in rate, confinement for 15 months, and a bad conduct discharge (BCD).

Your record further reflects that on 3 June 1946, upon your release from confinement the BCD was suspended for six months, you were placed on probation, and advised that any further misconduct would result in immediate execution of the BCD. However, on 24 June 1946, you received CM for fighting and were awarded restriction for two weeks. During the period from 10 September to 2 December 1946 you received CM on five more occasions for three periods of absence from your appointed place of duty, unauthorized possession of another person's clothing, and failure to obey a lawful order. Also, the suspension of the BCD was vacated during this period. Subsequently, you submitted a written request for immediate execution of the BCD. The BCD was approved at all levels review and on 1 May 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, combat history, good post service conduct, and certificate of recognition from the Commonwealth of Massachusetts. The Board also considered your contention that you were told that your discharge would be automatically upgraded six months after your separation. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge given your repetitive misconduct, much of it during wartime, and your continued infractions while on probation. The Board noted that there is no evidence in your record, and you submitted none, to support your contention that you were told that the discharge would be automatically upgraded. Even if you were, there are no provisions for such an upgrade. The Board further concluded that your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The Board noted that you should submit the enclosed Request Pertaining to Military Records (SF 180) form to the National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, MO 63132 in regards to your entitlement to the European-African-Middle Eastern Area Service Ribbon with bronze star.

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

Enclosure