



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

TJR
Docket No: 595-01
18 July 2001

[REDACTED]

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 10 July 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 Marine Corps on 14 March 1956 at the age of 17. Your record reflects that on 25 October 1956 you were convicted by summary court-martial (SCM) of a two day period of unauthorized absence (UA). You were sentenced to confinement at hard labor for 15 days and a \$30 forfeiture of pay. Nearly a year later, on 3 October 1957, you were convicted by SCM of five incidents of absence from your appointed place of duty and were sentenced to confinement at hard labor for 30 days and a \$50 forfeiture of pay.

Your record further reflects that during the period from 11 March to 10 July 1958 you received nonjudicial punishment (NJP) on four occasions for absence from your appointed place of duty, disobedience, two incidents of failure to go to your appointed place of duty, and failure to obey a lawful order. On 14 August 1958 you were convicted by SCM of two incidents of failure to go to your appointed place of duty. You were sentenced to confinement at hard labor for a month and a \$70 forfeiture of pay.

On 29 August 1958 you were notified of pending administrative separation action by reason of unfitness due to repeated misconduct. After consulting with legal counsel you waived your right to submit a statement in rebuttal to the discharge. On 29 August 1958 your commanding officer recommended immediate separation by reason of unfitness due to repeated disciplinary infractions and commission of serious offenses as evidenced by the four NJPs and three court-martial convictions. An administrative discharge board also recommended you be issued an other than honorable discharge by reason of unfitness. On 25 September 1958 the discharge authority directed an undesirable discharge by reason of unfitness, and on 2 October 1958 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 and your contention that you were not absent without leave, but rather that your liberty card was not properly processed. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the serious nature of your repetitive misconduct which resulted in four NJPs and three court-martial convictions. Also, there is no evidence in the record, and you submitted none, to support your contention. Given all the circumstances of your case, the Board concluded your 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