



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

ELP
Docket No. 1086-01
29 June 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 Navy Records, sitting in executive session, considered your application on 27 June 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 9 August 1951 for three years at age 20. The record reflects that you were advanced to PFC (E-2) and served without incident until 23 May 1952, when you were convicted by special court-martial of a 73 day period of unauthorized absence (UA) and missing movement. You were sentenced to confinement at hard labor for five months, forfeitures of \$50 per month for five months, reduction in rank to PVT (E-1), and a bad conduct discharge. The Navy Board of Review affirmed the findings and the sentence on 11 September 1952 and you were released from confinement on 30 September 1952.

The record further reflects that you went UA again for a period of 21 days from 10-31 October 1952. No disciplinary action is shown in the record for this period of UA. You received the bad conduct discharge on 3 January 1953.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity,

limited education, and the fact that it has been more than 48 years since you were discharged. The Board noted your contentions to the effect that you did well during the first months of service, but when you learned that your brother was dying from cancer, you wanted out of the service. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your conviction special court-martial of a two-month period of UA which was terminated only by your apprehension. The Board further noted that your misconduct occurred during the Korean conflict. You have provided no corroborating evidence in support of your contentions. Your conviction and discharge were effected in accordance with applicable law and regulations and the discharge appropriately characterizes your service. 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