



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

TJR
Docket No: 1557-00
28 June 2000

[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 13 June 2000. 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 26 June 1963 at the age of 17. Your record reflects that you served for a year without incident but on 24 September 1964 you were convicted by summary court-martial (SCM) of a 22 day period of unauthorized absence (UA) and sentenced to reduction to paygrade E-1 and hard labor for 14 days. A year and three months later, on 8 December 1965, you received nonjudicial punishment (NJP) for receiving stolen property valued at \$55.56 and were awarded a reduction in rate. On 14 November 1966 you were convicted by special court-martial (SPCM) of two periods of UA totalling 50 days. You were sentenced to confinement at hard labor for four months and forfeitures totalling \$236.

Your record further reflects that on 19 January 1967, while in a UA status, you were convicted by civil authorities of armed robbery and sentenced to confinement for one year and probation for five years. Subsequently, you were processed for an administrative separation by reason of misconduct due to civil conviction. Your commanding officer was then directed to issue you an other than honorable discharge by reason of misconduct, and on 14 July 1967 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, good post service conduct, and your contention that you would like your discharge upgraded so that you may receive veteran's benefits. However, the Board concluded these factors were not sufficient to warrant a change in your discharge given the serious nature of your misconduct in both the military and civilian communities. Given all the circumstances of your case, the Board concluded your discharge was proper 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