



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

TJR  
Docket No: 10329-02  
12 September 2003

[REDACTED]

[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 9 September 2003. 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 Marine Corps on 27 December 1957 at age 18. You served for a year and three months without disciplinary incident, but on 10 March 1959 you received nonjudicial punishment (NJP) for failure to go to your appointed place of duty and were awarded confinement on bread and water for three days. On 11 May and again on 16 July 1959 you were convicted by summary court-martial (SCM) of a one day period of unauthorized absence (UA), failure to obey a lawful order, absence from your appointed place of duty, resisting arrest, and breach of the peace.

On 27 May 1960 you were convicted by special court-martial (SPCM) of a 45 day period of UA. The punishment imposed was confinement at hard labor for four months, a \$200 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD), which was suspended for six months.

On 23 February and 8 December 1961 you received NJP for disrespect, two specifications of contempt, failure to obey a lawful order, and dereliction of duty.

On 1 February and 5 March 1962 you were convicted by SCM of disrespect and destruction of property. Shortly thereafter, on 16 March 1962 you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). The ADB recommended an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. Subsequently, your commanding officer recommended an undesirable discharge, stating, in part, as follows:

(Member) performs his duties in an average manner.... he refuses to leave alcoholic beverages alone even after having received proper counselling on numerous occasions.... this appears to be the reason behind most of his offenses.

On 30 March 1962 the discharge authority directed an undesirable discharge by reason of unfitness, and on 6 April 1962 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 alcohol addiction was the cause of your problems. It also considered your contention that there was no available rehabilitation program to help you with your alcohol problems. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in three NJPs and five court-martial convictions. Further, the Board noted that you were properly counselled on numerous occasions concerning your alcohol problem, but refused to stop your excessive. 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