



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

TRG  
Docket No: 494-03  
23 June 2003

[REDACTED]

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This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 17 June 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 10 March 1960 at age 21. During 1961, you received nonjudicial punishment on three occasions. Your offenses were a short period of unauthorized absence, disrespect, drunkenness and disobedience.

A special court-martial convened on 26 February 1962 and convicted you of an unauthorized absence of about 18 days. The sentence of the court included confinement at hard labor for three months. You were restored to duty on 27 March 1962. A second special court-martial convened on 2 August 1962 and convicted you of two periods of unauthorized absence totaling about 23 days and disobedience. You were restored to duty from confinement on 26 September 1962.

A third special court-martial convened on 28 February 1963 and convicted you of an unauthorized absence of about 37 days. The court sentenced you, as mitigated, to forfeiture of \$40 pay per month for three months, confinement at hard labor for three months and a bad conduct discharge. On 2 April 1965 you elected to waive your right to request restoration to duty. The bad conduct discharge was issued on 10 May 1963.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and limited education. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your disciplinary record and especially your repeated periods of unauthorized absence. It is clear that after being convicted by courts-martial of periods of unauthorized absence, you had to know the consequences of further misconduct. Therefore, your subsequent unauthorized absence was considered to be indicative of willful misconduct. The Board concluded that the 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