



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

TJR
Docket No: 8649-06
25 July 2007

[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 25 July 2007. 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 reenlisted in the Marine Corps on 12 February 1958 after four years of prior honorable service. You continued to serve without incident until 17 August 1960, when you received nonjudicial punishment (NJP) for failure to obey a lawful order.

During the period from 26 September to 28 November 1961 you were convicted by summary court-martial (SCM) and received NJP on three occasions for four periods of absence from your appointed place of duty, two specifications of breaking restriction, and a one day period of unauthorized absence (UA). On 25 December 1961 you began a period of UA that was not terminated until you were apprehended by civil authorities for statutory rape. On 28 December 1961 you were convicted by civil authorities of battery and disturbing the peace. You were sentenced to confinement for 30 days.

On 25 January 1962, upon release from civil authorities, you were returned to military control thus terminating a 39 day period of UA. On 27 February 1962 an investigation was conducted regarding your self-inflicted injuries, specifically, slashes on your left wrist with a razor blade. At that time you stated that if you were returned to confinement, you would again attempt suicide.

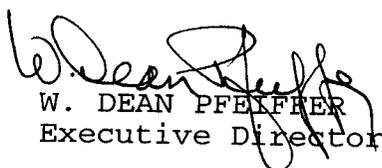
Subsequently, you were notified of pending administrative separation action by reason of unfitness due to indebtedness, UA, and civil conviction. After consulting with legal counsel you waived your right to present your case to an administrative discharge board (ADB). On 13 March 1962 your commanding officer recommended an undesirable discharge by reason of unfitness due to indebtedness, a 65 day period of UA, and civil conviction as evidenced by three NJPs, SCM, and a pending special court-martial (SPCM). The discharge authority approved this recommendation and directed an undesirable discharge by reason of unfitness, and on 27 March 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 prior honorable service, the passage of time, and your assertion that you paid the penalty for the couple of silly mistakes that you made. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct in both the military and civilian communities. Further, the Board noted that you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. Finally, no discharge is automatically upgraded due solely to the passage of time. 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