



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

SMW
Docket No: 10060-06
5 April 2007

[REDACTED]

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 4 April 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.

On 15 February 1960 you enlisted in the Marine Corps at age 17 with parental consent. During the period from 18 August 1960 to 28 August 1962, you received three nonjudicial punishments (NJP's) and were convicted by two special courts-martial (SPCM's). Your offenses included three instances of unauthorized absence (UA) totaling about 27 days, two instances of failure to obey a lawful order, wrongful appropriation of a government vehicle, disrespect, and absence from your appointed place of duty. On 15 November 1962 you were convicted by civil court of entry without consent. On 28 January and 7 February 1963 you received two more NJP's for three instances of absence from your appointed place of duty.

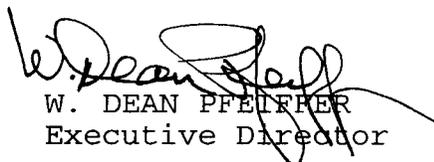
On 11 February 1963 your CO initiated administrative separation action by reason of unfitness, and recommended an undesirable discharge. In connection with this processing, you acknowledged that separation could result in an undesirable discharge and waived the right to have your case heard by a board of officers. On 1 March 1963 the separation authority approved the

recommendation for separation and directed an undesirable discharge by reason of unfitness. On 12 March 1963 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 the contention that you had no opportunity to present a defense because you were being held by civil authorities. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your repetitive misconduct. Regarding your contention, even though you may have been in civil confinement at the time of your separation processing, the record shows that you were provided the opportunity to consult counsel, submit a statement, have your case heard by a board, and appear before the board. However, you chose to waive those rights. Therefore, 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