



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

SJN
Docket No: 09602-07
19 November 2008

[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 13 November 2008. 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 22 July 1963 at age 17. On 28 August 1964, you were convicted by special court-martial (SPCM) of wrongful appropriation. During the period from 16 November 1965 to 22 June 1966, you received three nonjudicial punishments (NJP's) for absence from your appointed place of duty and two instances of disobedience. On 31 January 1967, you were convicted by civil authorities of receiving stolen property. You were sentenced to six months in jail which was suspended on the condition that you reimburse the loss. On 3 February 1967, you were convicted by summary court-martial (SCM) of failure to go to your appointed place of duty.

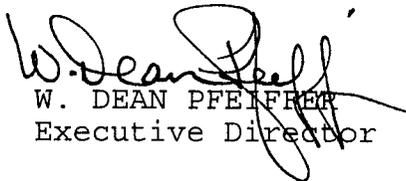
On 20 March 1967, your commanding officer recommended that you receive an undesirable discharge by reason of unfitness due to the civil conviction. You were notified of pending administrative separation action, and on 13 June 1967 an administrative discharge board (ADB) recommended that you be

discharged from the service with an undesirable discharge due to unfitness. Subsequently, your case was forwarded, and on 20 July 1967 the discharge authority approved the recommendation for an undesirable discharge. You were so discharged on 25 July 1967.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the character letters accompanying your application. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct that resulted in three NJP's and convictions by SPCM and SCM. 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