



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

SJN  
Docket No: 00113-08  
19 December 2008

[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 17 December 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 and began a period of active duty on 31 December 1959 at age 17. On 30 August 1960, you were convicted by special court-martial (SPCM) of conspiracy, making a false official statement, a day of unauthorized absence (UA), and breaking restriction. You received confinement at hard labor, a forfeiture of pay, and a reduction in paygrade. During the period from 15 December 1960 to 23 July 1962, you received three nonjudicial punishments (NJP's) for two brief periods of UA and absence from your appointed place of duty, and were convicted by summary court-martial (SCM) of two days of UA and breaking restriction. Additionally, you were convicted by SPCM of two days of UA and breaking restriction.

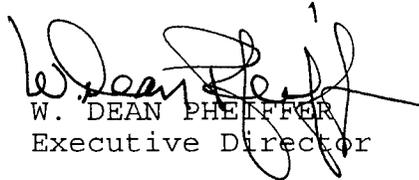
On 16 August 1962, you were convicted by a third SPCM of six days of UA and breaking restriction. You were sentenced to confinement at hard labor, a forfeiture of pay, a reduction in paygrade, and a bad conduct discharge (BCD). However, the supervisory authority approved all punishment except for the BCD.

Based on this disciplinary record you were processed for an administrative discharge by reason of unfitness. On 27 September 1963, your commanding officer forwarded your case recommending an undesirable discharge by reason of unfitness. The discharge authority directed an undesirable discharge and you were so discharged on 8 November 1963.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the reasons you stated that caused your misconduct. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge due to your extensive disciplinary record consisting of three NJP's, a SCM, and conviction by three SPCM's. 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