



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

SJN
Docket No: 03634-08
23 March 2009

[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 March 2009. 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.

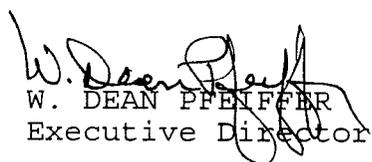
You enlisted in the Marine Corps and began a period of active duty on 17 August 1961 at age 17. On 11 March 1963, you were convicted by special court-martial (SPCM) of 14 days of unauthorized absence (UA) and altering your military identification card. During the period from 2 July 1963 to 23 March 1965, you received three nonjudicial punishments (NJPs) for disrespect and two instances of absence from your appointed place of duty. Additionally, you also were convicted by four summary courts-martial (SCM's) of two periods of UA totaling seven days, failure to go to your appointed place of duty, and absence from your appointed place of duty.

You were processed for an administrative discharge by reason of unfitness. You elected to waive the rights to have your case heard by a board of officers and on 26 April 1965, your commanding officer recommended an undesirable discharge by reason of unfitness. On 21 May 1965 the discharge authority directed an undesirable discharge. You were so discharged on 8 June 1965.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. 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, and convictions by SCM and SPCM. 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 PFENIFFER
Executive Director