



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

BAN
Docket No: 1596-09
16 November 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, 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 12 November 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 on 19 December 1961, and served without disciplinary incident until 29 May 1963, when you received nonjudicial punishment (NJP) for an unauthorized absence (UA) in excess of six days.

Shortly thereafter, you received the following disciplinary actions: on 2 November 1963, you were convicted at a summary court-martial (SCM) for UA; on 27 November 1963, you received NJP for misbehavior toward a military sentry; on 7 December 1963, you were convicted at a SCM for UA and failure to obey a lawful order; on 1 February 1964, you received NJP for the loss of government property through neglect; on 14 March 1964, you were convicted at a SCM for breaking restriction; on 21 April 1964, you received NJP for failure to obey a lawful order; on 13

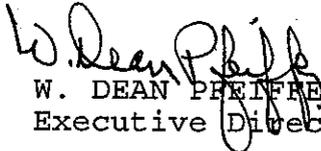
October 1964, you received NJP for UA and failure to obey a lawful order; on 24 November 1964, you were convicted at a SCM for UA and breaking restriction; on 31 December 1964, you received NJP for two specifications of failure to obey a lawful order; on 26 January 1965, for reckless driving; and on 17 February 1965, you received NJP for reckless driving and driving a vehicle without proper authority.

Therefore, you were recommended for administrative separation with an undesirable discharge (UD) due to being unfit for military service. You waived all of your procedural rights, to include your right to an administrative discharge board (ADB). The separation authority approved the recommendation and on 7 June 1965, you were separated for being unfit for military service with a UD and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant changing the characterization of your discharge due to the seriousness of your misconduct. The Board found you waived your right to an ADB, your best opportunity for retention or a better characterization of service. 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