



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

TAL
Docket No: 2609-09
1 March 2010

[REDACTED]

[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 18 February 2010. 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 26 February 1960 at age 17. On 22 August 1960, you received nonjudicial punishment (NJP) for dereliction of duty. On 22 September 1960, you were convicted by summary court-martial (SCM) of a 13 day period of unauthorized absence (UA) from your unit. On 19 September 1961, you received NJP for assault. On 3 November 1961, you received NJP for UA from your appointed place of duty. On 11 January 1962, you were convicted by summary court-martial (SCM) of an eight day period of UA from your unit. On 20 July 1962, you were again convicted by SCM of wearing an improper uniform and failure to obey a lawful order. On 10 October 1962, you received NJP for UA from your unit. On 25 January 1963, you received NJP for disrespect to a superior noncommissioned officer. On 18 March 1963, you were convicted by special court-martial (SPCM) of breaking restriction, three instances of disobeying a lawful order, using disrespectful language to a superior noncommissioned officer and a 21 day period of UA from your unit. The sentence imposed was four months confinement, forfeiture of pay and a bad conduct discharge (BCD). Although the BCD was suspended for six months, on 12 December 1963, this suspension was vacated due to your continued misconduct, which consisted of, NJP on 29 July 1963 for wearing

an unclean uniform. After appellate review, on 20 December 1963 you were discharged with a BCD.

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 given the seriousness of your misconduct that resulted in six NJP's, three SCM's and one 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 PFEIFFER
Executive Director