



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

TAL
Docket No: 4682-09
19 March 2010

[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 10 March 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.

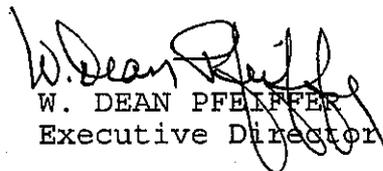
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 9 July 1953 at age 17. On 15 March 1954, you were convicted by summary court-martial (SCM) of unauthorized absence (UA) from your unit for a period of three days. On 19 February 1966, you were convicted by SCM of a two day period of UA from your unit and failure to obey a lawful order. On 30 June 1954, you received nonjudicial punishment (NJP) for insubordinate conduct toward a noncommissioned officer. On 21 August 1954, you were convicted by SCM of a three day period of UA from your unit. On 9 April 1955, you received NJP for UA from you appointed place of duty. On 29 June 1955, you were convicted by special court-martial (SPCM) of 35 day period of UA from your unit. The sentence imposed was confinement for three months, forfeiture of pay and a bad conduct discharge. While awaiting discharge you were again UA from your unit. On 18 January 1956, you were convicted by general court-martial (GCM) of UA from your unit for a period of 14 days and desertion for a period of 48 days. The sentence imposed was confinement for one year, forfeiture of all pay and allowances and a dishonorable discharge (DD). You received the DD after appellate review was complete.

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 two NJPs, three SCMs, one SPCM and one GCM. 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