



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

SJN
Docket No: 04902-09
19 April 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 13 April 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.

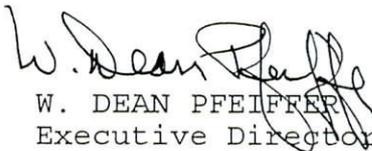
You enlisted in the Marine Corps and began a period of active duty on 29 April 1960 at age 17. During the period from 15 September 1961 to 5 August 1963, you were convicted of a civil misdemeanor charge, a summary court-martial (SCM) for 44 days of unauthorized absence (UA) and two special courts-martial (SPCM) of 59 days of UA and missing movement. On 11 March 1964, you were convicted by civil authorities of violating probation and driving without permission of the owner. You were sentenced to one year in jail. On 5 May 1964, your commanding officer recommended that you receive an undesirable discharge by reason of unfitness. At that time you were in hands of civil authorities. You were notified of pending administrative separation action and on 15 June 1964, the separation authority directed that you receive an undesirable discharge. You were so discharged on 24 June 1964.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, record of service, and post-service accomplishments. Nevertheless, the Board concluded these factors were not sufficient to warrant

recharacterization of your discharge because of your misconduct that resulted in a SCM, two SPCM's, convictions by civil authorities and ensuing incarceration. 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