



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

REC
Docket No: 08885-09
10 June 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 9 June 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 13 February 1963, at age 19. During the period from 5 April to 28 June 1963, you received two nonjudicial punishments (NJP's) for being in a unauthorized absence (UA) status. On 28 June 1963, you were convicted of housebreaking and larceny by the Beaufort South Carolina County Court. You were sentenced to two years confinement, which was suspended and you were placed on probation for five years.

On 1 July 1963, administrative discharge action was initiated by reason of misconduct. Your case was heard by an administrative discharge board (ADB) which recommended that you be discharged. Your commanding officer agreed with the ADB and forwarded his recommendation that you be discharged under other than honorable conditions by reason of misconduct. On 23 July 1963, the discharge authority directed an other than honorable discharge by reason of misconduct. On 13 August 1963, you were so discharged. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct and performance, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the reason or characterization of your discharge, given your record of two NJP's, and civil conviction for misconduct in a six month period. 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 PENFREES
Executive Director