



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

TAL
Docket No: 807-10
19 October 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 14 October 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 1 June 1961 at age 18. On 2 March 1962, you were convicted by special court-martial (SPCM) of unauthorized absence (UA) from your unit for a period of 64 days and failure to obey a lawful order. The sentence imposed was two months confinement. On 12 September 1962 you were convicted by SPCM of UA from your unit for a period of 92 days. You were sentenced to six months confinement, forfeiture of pay and a bad conduct discharge (BCD). The convening authority suspended two months of your confinement, two months of forfeitures and the BCD for six months. On 12 January 1963 you were again UA from your unit until you were apprehended by the Federal Bureau of Investigation (FBI) on 11 March 1963, a period of 58 days. On 12 April 1963, the convening authority vacated the suspended BCD. On 26 April 1963 you were discharged.

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 periods of UA that lasted over seven months and two

SPCMs. Finally, although the BCD was suspended for six months, on 12 April 1963 this suspension was vacated due to your continued misconduct. 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