



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

TAL
Docket No: 553-11
12 October 2011

[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 5 October 2011. 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 28 September 1951 at age 19. On 14 March 1952, you were convicted by summary court-martial (SCM) of unauthorized absence (UA) from your unit for a period of seven days. On 15 July 1952, you were convicted by special court-martial (SPCM) of UA from your unit for a period of 72 days. On 5 January 1953, you were UA from your unit until you surrendered to military authorities in St. Louis, Missouri, on 2 February 1953, a period of 28 days. On 6 February 1953, you were UA from your unit until you surrendered on 4 March 1953, a period of 26 days. On 16 March 1953, you were again UA from your unit. On 1 May 1953 your command was notified by the Federal Bureau of Investigation (FBI) that you were in the hands of civil authorities in Lake Charles, Louisiana, and charged with interstate transportation of a stolen motor vehicle. On 5 May 1953, you were sentenced to 18 months confinement. You were notified of pending administrative discharge processing with an undesirable discharge due to misconduct (conviction by civil authorities). On 25 July 1953, you received the undesirable discharge for misconduct. On 29 December 1966, you received a Presidential Pardon.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service and Presidential Pardon. 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 a SCM, a SPCM, periods of UA totaling over eight months and a civil conviction. 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