



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
701 S. COURTHOUSE RD SUITE 1001  
ARLINGTON VA 22204-2490

BAN  
Docket No: 05275-11  
29 February 2012

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, 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 29 February 2012. 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 entered active duty in the Marine Corps on 29 October 1956, and served without disciplinary incident until 2 April 1957, when you received nonjudicial punishment (NJP) for unauthorized absence (UA). Shortly thereafter, you received the following disciplinary actions: on 4 October 1957, you were convicted at a special court-martial of larceny; on 5 May 1958, you received NJP for UA; on 28 June 1958, you received NJP for drunk and disorderly conduct; on 2 October 1958, you received NJP for disrespect; on 14 Oct 1958, you were convicted at a summary court-martial of dereliction of duty (sleeping on post); and on 14 April 1959, you received NJP for disobeying a lawful order. You were recommended for separation with an other than honorable (OTH) discharge due to a pattern of misconduct. You subsequently waived your right to counsel and an administrative discharge board (ADB). Therefore, on 19 June 1959, you were separated with

an OTH discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your pattern of misconduct. Additionally, the Board found that you waived your procedural right to an ADB, your best opportunity for retention or a better characterization of service. 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