



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

TJR
Docket No: 3037-12
19 March 2013

[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 19 March 2013. The names and votes of the members of the panel will be furnished upon request. 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 at age 17 and on 3 February 1953 you began a period of active duty. You served without disciplinary incident until 12 November 1954 when you received nonjudicial punishment (NJP) for failure to obey a lawful order. The following month, on 16 December 1954, you were convicted by special court-martial (SPCM) of reckless driving. About four months later, on 27 April 1955, you were again convicted by SPCM of sleeping on post.

On 6 February 1956 you were convicted by general court-martial (GCM) of larceny and conspiracy to commit larceny of government property, specifically, 10 cans of coffee valued at \$142. You were sentenced to confinement at hard labor for one year, forfeiture of all pay and allowances, and a bad conduct discharge (BCD). On 18 July 1956 you submitted a written request for immediate execution of the BCD. Subsequently, the BCD was approved at all levels of review, and on 19 November 1956 you were so discharged.

The Board, in its review of your entire record and application with its attachments, carefully weighed all potentially mitigating factors, such as your desire to change the characterization of your discharge and explanation surrounding the circumstances regarding your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct which resulted in four disciplinary actions. Accordingly, your application has been denied.

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