



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

CRS
Docket No: 6962-12
26 June 2013



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 19 June 2013. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 6 June 1952. You received nonjudicial punishment on six occasions and were convicted by a summary court-martial of offenses that included two periods of unauthorized absence, being out of uniform, being under the influence of alcohol, absence from your appointed place of duty, unauthorized liberty pass, forged liberty pass, being beyond medical restriction limits, and breach of the peace.

On 16 May 1955 a special court-martial convened and found you guilty of stealing \$125.00 and failure to go to your appointed place of duty, and sentenced you to confinement at hard labor for three months, forfeiture of \$195.00, and a bad conduct discharge (BCD). You were separated with a BCD on 5 October 1955.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall record of service, and the unsubstantiated contention that you were discriminated against. The Board concluded that these

factors were insufficient to warrant recharacterization of your service, given the serious and repeated nature of your misconduct, which ultimately resulted in your discharge. Further, the Board found no evidence of discrimination in your record, and you submitted no such evidence. 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