



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

CRS
Docket No: 95-99
27 May 1999

Dear [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 26 May 1999. 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 5 September 1957 at age 17. Your record reflects that you received four nonjudicial punishments and were convicted by a summary court-martial and a special court-martial. The offenses included an unauthorized absence of a day, stealing military pay certificates valued at \$42, failure to obey a lawful order on three occasions, and absence from your appointed place of duty. Subsequently, on 19 April 1960 you were convicted by civil authorities of forging an identification card and a liberty card and altering a military discharge certificate. You were sentenced to confinement from four months to four years.

On 31 May 1960 the commanding officer recommended that you be separated with an undesirable discharge by reason of misconduct based on the civil conviction. After review by the discharge authority, the recommendation was approved and you were separated with an undesirable discharge on 20 June 1960.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and immaturity and the contention that you were wrongfully arrested. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given the seriousness of the offenses. Additionally, you have provided no evidence to support the contention that you were wrongfully arrested and, even if you had such evidence, it would be more appropriate to present it to the civil authorities. Therefore, the Board concluded that no change to the discharge is warranted. 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