



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

TJR  
Docket No: 1808-00  
25 August 2000

[REDACTED]

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 9 August 2000. 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.

The Board found you enlisted in the Marine Corps on 30 September 1952 at the age of 18. Your record reflects that you served for two years without disciplinary incident but on 4 October 1954 you were convicted by summary court-martial (SCM) of attempted wrongful appropriation of property valued at \$250 and drunk and disorderly conduct. You were sentenced to confinement at hard labor for a month.

Your record further reflects that on 22 February 1955 you were convicted by SCM of absence from your appointed place of duty and disobedience. You were sentenced to confinement at hard labor for 30 days, a \$60 forfeiture of pay, and reduction to paygrade E-1. On 8 June 1955 you were convicted by special court-martial (SPCM) of three periods of absence from your appointed place of duty, failure to obey a lawful order, and wrongful appropriation. You were sentenced to a \$260 forfeiture of pay, confinement at hard labor for four months, and a bad conduct discharge (BCD).

On two occasions, while in confinement, you requested restoration to duty. However, both of these requests were denied. On 26 September 1955 you requested immediate execution of the BCD. The BCD was approved at all levels of review and ordered executed. On 27 October 1955 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, good post service conduct, and your contention that you would like your discharge upgraded. The Board also considered your contention that your discharge was the result of your drinking problem. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent misconduct, which resulted in three court-martial convictions. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change 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