



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

TJR
Docket No: 4806-99
28 June 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 21 June 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 29 May 1958 at the age of 17. Your record reflects that you served for a year and five months without incident, however, on 7 September 1960 you received nonjudicial punishment (NJP) for dereliction in the performance of your duties and were awarded a reduction in rate.

Your record also reflects that on 27 April 1961 you were convicted by special court-martial (SPCM) of a 36 day period of unauthorized absence (UA) and absence from your appointed place of duty. You were sentenced to confinement at hard labor for two months, reduction to paygrade E-1, and a \$140 forfeiture of pay. On 21 July 1961 you were convicted by SPCM of a 19 day period of UA and sentenced to confinement at hard labor for four months and forfeitures totalling \$200.

On 19 January 1962 you were convicted by SPCM of a 57 day period of UA. You were sentenced to confinement at hard labor for six months and a \$330 forfeiture of pay.

Your record further reflects that you were again convicted by SPCM on 26 March 1963 of two periods of UA totalling 203 days and breaking restriction. You were sentenced to confinement at hard labor for four months, forfeitures totalling \$160, and a bad conduct discharge (BCD). While in confinement, you requested that the BCD be immediately executed. Subsequently, the BCD was approved at all levels of review and ordered executed. On 24 September 1963 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 and your narrative reason for separation changed to convenience of the government. The Board also considered your contentions of discrimination, false accusations of homosexuality, and denial of a hardship discharge and/or reassignment. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge or a change of your narrative reason for separation given the serious nature of your frequent and lengthy periods of UA. Further, the Board noted that there is no evidence in your record, and you submitted none, to support your contentions of discrimination, false accusations, or denial of a hardship discharge or reassignment. 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