



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

CRS
Docket No: 4899-01
29 November 2001



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 15 November 2001. 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 17 October 1961 at age 17. The record reflects that you received three nonjudicial punishments and were convicted by a summary court-martial and a special court-martial. The offenses included unauthorized absences totalling 40 days, possession of a false identification card, disobedience of a lawful order on two occasions, absence from your appointed place of duty, and having an unclear rifle and uniform.

On 10 February 1965 an administrative discharge board recommended that you be separated with an undesirable discharge by reason of unfitness. After review by the discharge authority, the recommendation for separation was approved and you received an undesirable discharge on 26 February 1965.

On 4 November 1977 the Naval Discharge Review Board (NDRB) changed the characterization of the discharge to general under the provisions of the Special Discharge Review Program (SDRP). However, on 15 February 1978 NDRB declined to confirm the general

discharge under its uniform discharge review standards, thus denying you veterans' benefits.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, these factors were not sufficient to warrant further recharacterization of your discharge or confirmation of the general discharge, given your frequent involvement with military authorities. The Board especially noted the fact that you were the subject of five disciplinary actions within a period of less than four years. The Board believed that the relief granted by the NDRB in accordance with the provisions of the SDRP is sufficient in your case. 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