



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

TJR  
Docket No: 4497-02  
29 January 2003

[REDACTED]

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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 23 January 2003. 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.

You enlisted in the Marine Corps on 30 December 1953 at the age of 17. On 29 July and again on 26 August 1954 you received nonjudicial punishment (NJP) for two periods of absence from your appointed place of duty. On 4 November 1954 you were convicted by summary court-martial (SCM) of a 29 day period of unauthorized absence (UA) and were sentenced to restriction for 60 days, reduction to paygrade E-1, and a \$50 forfeiture of pay.

On 1 April 1955 you were convicted by civil authorities of grand larceny and sentenced to probation for three years. Shortly thereafter, on 15 April 1955, you were convicted by special court-martial (SPCM) of a 58 day period of UA. You were sentenced to confinement at hard labor for two months and a \$110 forfeiture of pay.

Subsequently, you were notified of pending administrative separation action by reason of misconduct due to the civil conviction. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On

1 June 1955 an ADB recommended separation by reason of misconduct. Your commanding officer recommended an undesirable discharge by reason of misconduct due to civil conviction. On 6 June 1955 the discharge authority directed an undesirable discharge by reason of misconduct. During the 15 days from 8 to 23 June 1955 you were in a UA status, but the record does not reflect the disciplinary action taken, if any, for this period of UA. On 30 June 1955 you received an undesirable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your offenses do not warrant the ongoing stigma of an undesirable discharge. It also considered your contention that you received a full pardon and your rights were restored, but you still could not reenlist. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your frequent misconduct in both the military and civilian communities, and the serious nature of the offenses that resulted in your civil conviction and conviction by SPCM. 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