



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

FC  
Docket No: 01986-03  
8 August 2003

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10 of the 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 30 July 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, and applicable statutes, regulations and policies. The Board was unable to obtain your official record, and conducted its review based on the copies of the record that you submitted.

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 30 March 1956 at age 17. On 3 December 1956 you returned from a three-day period of unauthorized absence. There is no record of any disciplinary action for this offense in the record.

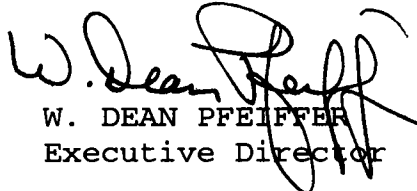
On 5 April 1957 you were convicted by civil court of four counts of making vulgar and obscene phone calls. One of these calls was made to a seven-year old girl. You were sentenced to 100 days in jail and a \$50 fine. Part of the jail sentence was suspended. When notified of administrative separation processing, you requested to remain in the Marine Corps. On 22 April 1957, the commanding officer recommended an undesirable discharge by reason of misconduct due to the civil conviction. On 29 April 1970, an administrative discharge board also recommended that you be

separated by reason of misconduct due to the civil conviction. On 9 May 1957, the separation authority directed an undesirable discharge and on 29 May 1957 you were so discharged.

In its review of your case, the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and the length of time that has passed since you were discharged from the Marine Corps. However, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your civil conviction of a serious offense. 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