



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

REC  
Docket No: 11655-09  
6 August 2010

[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, 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 4 August 2010. 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 20 September 1956, at age 17. On 29 September 1958, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status. On 22 December 1958, you received NJP for being disrespectful. On 11 February 1959, you were convicted by a summary court-martial (SCM) of two instances of being UA. You were sentenced to reduction in pay grade and 14 days confinement at hard labor. You were counseled and warned that further misconduct could result in administrative separation. However, your misconduct continued and on 10 July 1959, you were convicted by a general court-martial (GCM) of stealing 61 bed sheets which were the property of the United States Government, four incidents of being UA, and two incidents of escaping custody. You were sentenced to forfeitures of all pay and allowances, confinement at hard labor for one year and a bad conduct discharge (BCD). Prior to being discharged, on 24 June 1960, you were convicted by a special court-martial (SPCM), of being UA for 36 days. You were sentenced to forfeitures of \$350, and five months confinement at hard labor. On 16 September 1960, after appellate review, you were separated with a BCD.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of two NJP's and convictions by one SCM, one GCM, and one 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