



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

TJR
Docket No: 5378-10
30 March 2011

[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 29 March 2011. The names and votes of the members of the panel will be furnished upon request. 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 22 October 1953 at age [REDACTED]. You served without disciplinary incident until 20 July 1954, when you were convicted by special court-martial (SPCM) of larceny of five items valued at \$10.75. You were sentenced to confinement at hard labor for five month, a \$120 forfeiture of pay, and a bad conduct discharge (BCD).

On 23 February and again on 7 March 1955 you received nonjudicial punishment (NJP) for disorderly conduct, fighting, and breaking restriction. On 29 November 1955 you submitted a written request for immediate execution of the BCD. Subsequently, the BCD was approved at all levels of review, and on 14 December 1955, you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, desire to upgrade your discharge, and assertion that the punishment was excessive for the offenses committed. Nevertheless, these factors were not sufficient to warrant

recharacterization of your discharge because of the seriousness of your misconduct which resulted in two NJPs and a SPCM. Finally, the Board noted your request for immediate execution of the BCD. Accordingly, your application has been denied.

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