



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

TJR
Docket No: 5753-09
24 May 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, 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 18 May 2010. 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.

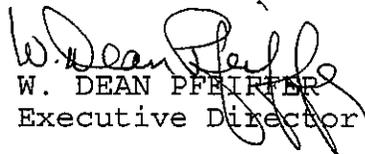
You enlisted in the Marine Corps on 15 September 1952 at age 17. You served without disciplinary incident until 19 May 1953, when you received nonjudicial punishment (NJP) for misbehavior as a sentinel. The punishment imposed was restriction for 14 days.

On 11 June 1954 you were convicted by general court-martial (GCM) of intent to commit fraud and forgery. You were sentenced to confinement at hard labor for two years, forfeiture of all pay and allowances, reduction to paygrade E-1, and a dishonorable discharge (DD). On 17 December 1954 you submitted a written request for restoration to duty, reduction of confinement, or an honorable discharge. On 17 August 1955 this request was denied in part. As such, on 21 September 1955, the DD was mitigated to a bad conduct discharge (BCD) and the confinement was reduced to 20 months. Subsequently, the BCD was approved at all levels of review and on 14 October 1955 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that your discharge, being based on one isolated incident, was unjust. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. Finally, there is documented evidence in the record that is contrary to your assertion. 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