



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

TJR
Docket No: 2254-01
9 October 2001

[REDACTED]

Dear [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 2 October 2001. 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 service record and conducted its review based on the decisional document prepared by the Naval Discharge Review Board.

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.

The Board found you enlisted in the Marine Corps on 26 July 1963 at the age of 19. Your record reflects that you served for a year without disciplinary infraction but on 12 August 1964 you were convicted by special court-martial (SPCM) of stealing a radio and were sentenced to confinement at hard labor for three months and a \$165 forfeiture of pay.

Your record further reflects that on 14 May 1965 you were convicted by civil authorities of malicious conversion and sentenced to probation for five years. A month later, on 14 June 1965, you received nonjudicial punishment (NJP) for a day of unauthorized absence (UA) and were awarded restriction for 14 days.

Subsequently, you were processed for an administrative separation by reason of misconduct due to civil conviction. The discharge authority directed an other than honorable discharge by reason of

misconduct due to conviction by civil authorities of malicious conversion, and on 16 August 1965 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 immaturity and your good post service conduct. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the serious nature of your misconduct in both the military and civilian communities. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. 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