



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

CRS
Docket No: 7983-99
14 June 2000



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 6 June 2000. 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 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 Reserve on 4 February 1953. Your record contains a birth certificate and your parent's confirmation that you were 17 at the time of enlistment. Prior to the offenses for which you received the bad conduct discharge, you were convicted by three summary courts-martial. The offenses included unauthorized absences totalling 23 days, breaking restriction, and possession of a false identification card.

A special court-martial convened on 23 May 1955 and found you guilty of unauthorized absences totalling 25 days and failure to obey a lawful order on two occasions. The court sentenced you to confinement at hard labor for six months, forfeitures of \$63 per month for six months, and a bad conduct discharge. You received the bad conduct discharge on 21 October 1955.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your contention that you

were 16 when you enlisted and could not be court-martialed at this age. In support of this contention, you submitted a recently received birth certificate that showed your age at enlistment would have been 16. However, these factors were not sufficient to warrant recharacterization of your discharge, given your four disciplinary actions. Further, the Board chose to believe the birth certificate in your record that was confirmed by your parents. 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

Copy to: Mr. Richard K. White