



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

TJR  
Docket No: 2238-02  
25 September 2002

[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 24 September 2002. 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 23 December 1959 at the age of 19. Approximately five months later, on 6 May 1960, you were convicted by civil authorities of drunkenness and sentenced to a \$25 bailment. On 3 August 1960 you received nonjudicial punishment (NJP) for drunkenness and were awarded a reprimand. On 13 July 1961 you were convicted by summary court-martial (SCM) of drunk and disorderly conduct. You were sentenced to confinement at hard labor for 30 days, a \$40 forfeiture of pay, and reduction to paygrade E-1.

On 27 August and again on 8 October 1962 you received NJP for possession of an unclean rifle and disobedience. On 4 January 1963 you were convicted by SCM of a three day period of unauthorized absence (UA) and were sentenced to a suspended reduction to paygrade E-2. On 6 June 1963 you were convicted by special court-martial (SPCM) of three periods of UA totalling 80 days. You were sentenced to confinement at hard labor for six months, a \$420 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was suspended for six months.

On 15 January 1964 you were convicted by SPCM of a 66 day period of UA. You were sentenced to confinement at hard labor for five months, a \$350 forfeiture of pay, and a BCD. On 3 April 1964 you submitted a written request for restoration to duty, which was denied. The BCD was subsequently approved at all levels of review, and on 13 May 1964 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 successful completion of a drug and alcohol treatment program. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your serious and repetitive misconduct which resulted in three NJPs, four court-martial convictions, and conviction by civil authorities. 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