



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

TJR  
Docket No: 3302-99  
22 January 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 9 January 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, 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.

The Board found you enlisted in the Marine Corps on 28 October 1955 at the age of 18. Your record reflects that on 19 December 1955 you were convicted by summary court-martial (SCM) of a nine day period of unauthorized absence (UA). You were sentenced to confinement at hard labor for five days and a \$30 forfeiture of pay.

Your record further reflects that on 17 July 1956 you were convicted by general court-martial (GCM) of two periods of UA totalling 46 days and breaking restriction. You were sentenced to forfeiture of all pay and allowances, confinement at hard labor for six months, and a bad conduct discharge (BCD). On 15 November 1956 you submitted a written statement in which you waived your right to restoration to duty. Subsequently, the BCD was approved at all levels of review and ordered executed. On 18 December 1956 you received a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, and good post service behavior as shown by the character references you submitted. The Board also considered your contentions that your misconduct was a result of your family problems and you have suffered enough with the BCD. However, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge given the serious nature of your frequent periods of UA, which resulted in two court-martial convictions. Further, there is no evidence in the record, and you submitted none, to support your contentions. Additionally, the Board cannot review the propriety of a court-martial and must restrict its review to determining whether the sentence should be changed as a matter of clemency. 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