



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

WMP

Docket No: 3313-02
10 October 2002

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your husband's naval record pursuant to the provisions of Title 10 of the 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 October 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 husband's 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 on 31 August 1953 for three years at age 17. Your record reflects that you served without incident until 28 July 1954, when you received nonjudicial punishment (NJP) for being out of uniform in a public place. The punishment imposed was 14 days of restriction. On 31 August 1954 you received NJP for failure to be at your appointed place of duty. The punishment imposed was 14 days of restriction.

On 14 September 1954, you were convicted by summary court-martial of breaking restriction. The punishment imposed was a forfeiture of \$45, 30 days of restriction and reduction to private. On 16 September 1954, the convening authority approved the adjudged sentence and ordered its execution.

Your record further reflects that on 22 July 1955 you received NJP for failure to obey a lawful order. The punishment imposed was 10 hours of extra duty. On 28 June 1955, you were convicted by summary court-martial of two days of unauthorized absence from 25 June to 27 June 1955. The punishment imposed was confinement at hard labor for 15 days and a forfeiture of \$40. On 29 June 1955, the convening authority approved the adjudged sentence and ordered its execution.

On 29 September 1955, you were convicted by special court-martial of 16 days of unauthorized absence, from 9 to 25 September 1955. The punishment imposed was confinement at hard labor for six months and forfeitures of \$67.60 per month for six months. On 30 September 1955, the convening authority approved a sentence of confinement for four months and forfeitures of \$67 per month for four months.

On 28 January 1956, you were apprehended by civil authorities and charged with two instances larceny of an automobile and held without bond pending trial. On 29 February 1956 you were convicted of these offenses and sentenced to two years service on the public roads.

On 8 March 1956, you were recommended for an undesirable discharge by reason of misconduct due to conviction by civil authorities. A discharge board, held on 5 April 1956, recommended an undesirable discharge. This recommendation was approved by the discharge authority on 17 April 1956. On 23 April 1956 you were so discharged.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, and your contention that you have good post service conduct. However, the Board concluded that your three NJP's and three convictions by court-martial, and your civil conviction for two instances of larceny of an automobile, clearly supported the undesirable discharge by reason of misconduct. The Board additionally noted that your FBI report shows several post-service convictions. 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