



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

TJR  
Docket No: 6342-01  
19 February 2002

[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 12 February 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.

The Board found you enlisted in the Marine Corps on 18 December 1958 at the age of 17. At that time you had completed nine years of formal education and attained average test scores.

Your record reflects that on 24 September 1959 you received nonjudicial punishment (NJP) for a 15 day period of unauthorized absence (UA) and failure to obey a lawful order. The punishment imposed was extra duty for two weeks. On 4 January 1960 you were convicted by special court-martial (SPCM) of a 28 day period of UA and breaking restriction. You were sentenced to a \$330 forfeiture of pay, confinement at hard labor for six months, and reduction in rate. On 1 November 1960 you received NJP for failure to go to your appointed place of duty and were awarded extra duty for 10 days.

On 30 January 1961 you were convicted by summary court-martial (SCM) of absence from your appointed place of duty and were sentenced to restriction and extra duty for 10 days and a \$40 forfeiture of pay. On 25 April 1961 you were convicted by SPCM of absence from your appointed place of duty, a 36 day

period of UA, and two specifications of breaking restriction. You were sentenced to confinement at hard labor for four months, a \$220 forfeiture of pay, and a bad conduct discharge (BCD), which was suspended for three months.

Your record further reflects that on 12 June 1962 you were convicted by civil authorities of driving without a license and speeding. You were sentenced to confinement for 30 days, which was suspended for a year. On 1 and 16 August 1962 you received NJP for being out of bounds and absence from your appointed place of duty.

Subsequently, you were notified of pending administrative separation by reason of unfitness. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB) and to submit a statement requesting retention. On 27 September 1962 you were convicted by SCM of failure to obey a lawful order and were sentenced to confinement at hard labor for 20 days and a \$70 forfeiture of pay. On 2 November 1962 an ADB recommended separation by reason of unfitness. Subsequently, your commanding officer recommended an other than honorable discharge by reason of unfitness as evidenced by military and civilian offenses and indebtedness. On 7 November 1962 the discharge authority directed an other than honorable discharge by reason of unfitness, and on 9 November 1962 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, limited education, length of service, post service conduct, and your contention that the nature of your offenses did not warrant an other than honorable discharge. The Board also considered your statement of issues and the character reference letters. However, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in eight military disciplinary actions and a conviction by civil authorities. The Board noted that your misconduct continued even after you were notified of pending separation action. 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