



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

TJR
Docket No: 7567-08
12 June 2009

[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 10 June 2009. The names and votes of the members of the panel will be furnished upon request. 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 30 December 1958 at age 17 and served without disciplinary incident until 10 October 1959, when you received nonjudicial punishment (NJP) for disobedience.

During the period from 5 January to 7 October 1960 you were convicted by special court-martial (SPCM) on two occasions and received NJP. Your offenses were disobedience, disrespect, absence from your appointed place of duty, drunkenness, and drunk and disorderly conduct.

On 18 May 1961 you received NJP for a one day period of unauthorized absence (UA). In August 1961, after undergoing psychiatric evaluations, you were diagnosed with a character and behavior disorder and recommended for an administrative discharge. On 18 September 1961 you were convicted by SPCM of two periods of UA totalling 24 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 and a portion of the confinement at hard labor were suspended for six months.

On 9 October 1961 you were notified of pending administrative separation action by reason of convenience of the government due to unsuitability as evidenced by your diagnosed character and behavior disorder, and repeated disciplinary infractions. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). Subsequently, your commanding officer recommended discharge by reason of unsuitability due to disciplinary infractions and the diagnosed character and behavior disorder. The discharge authority approved this recommendation and directed discharge under honorable conditions, and on 4 December 1961 you were issued a general discharge.

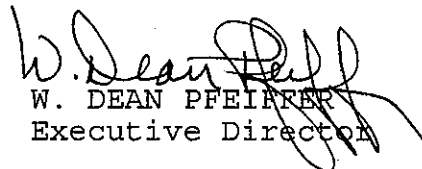
Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct average was 2.6. An average of 4.0 in conduct was required at the time of your discharge for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade the characterization of your general discharge. It also considered your assertion that your disciplinary problems were the result of unrecognized alcoholism. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your general discharge because of the seriousness of your misconduct, your diagnosed character and behavior disorder, and since your conduct average was insufficiently high to warrant an honorable discharge. In regards to your assertion of alcoholism, alcohol abuse is not an excuse for misconduct. Furthermore, disciplinary action and an administrative separation are appropriate for alcohol related offenses. The Board noted that you were given an opportunity to possibly receive a better characterization of service, but waived your procedural right to present your case to an ADB. Finally, the Board concluded that you were fortunate to have received a general discharge. Accordingly, your application has been denied.

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