



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

REC
Docket No: 01157-10
4 November 2010

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your 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 3 November 2010. 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 3 January 1963, at the age of 17. On 28 February 1964, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for two days. On 25 June 1964, you were convicted at a special court-martial (SPCM) of two instances of UA totaling seven days, and failure to obey a lawful order. You were sentenced to a forfeiture of \$90, reduction in pay grade, and confinement at hard labor for three months. On 24 July 1964, you received NJP for failure to obey an order. On 28 December 1964, you were convicted at your second SPCM of two instances of UA totaling 44 days, and breaking restriction. You were sentenced to six months confinement at hard labor, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 10 March 1965, after appellate review, you were so discharged.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of one NJP and convictions by

two SPCM's. 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 PFENNER
Executive Director