



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

REC
Docket No: 10669-10
8 August 2011

[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 3 August 2011. 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 and began a period of active duty on 2 December 1958. On 22 September 1959, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for seven days. On 16 December 1959, you were convicted by a summary court-martial (SCM) of being incapacitated for performance of your duties. You were sentenced to forfeitures of \$40, and confinement at hard labor for 15 days. On 25 October 1960, you received NJP for being UA one day. On 3 March 1961, you were convicted by a SCM of being UA one day. You were sentenced to forfeitures of \$65, and confinement at hard labor for 30 days. On 10 March 1961, you received NJP for being UA for 15 and one half hours. On 17 April 1961, you were convicted by a SCM of being UA for one day. You were sentenced to forfeitures of \$65, and confinement at hard labor for 30 days. On 11 July 1961, you were convicted by a SCM of being UA for eight days. You were sentenced to forfeitures of \$70, and confinement at hard labor for 30 days. On 7 September 1961, you were convicted by a special court-martial (SPCM) of being UA for 13 days. You were sentenced to forfeitures of \$420, confinement at hard labor for six months, and a bad conduct discharge (BCD).

Apparently your BCD may have been suspended. Your misconduct continued and on 3 July 1962, you received NJP for failure to go to your appointed place of duty and to obey a lawful general regulation. On 25 September 1962, you were convicted by a fifth SCM of wrongfully and falsely altering an official military document to adjust your date of birth. You were sentenced to forfeiture of \$70, and confinement at hard labor for 30 days. You were informed that you would receive a general discharge for the convenience of the government. The discharge authority directed a general discharge. You were so discharged on 11 April 1963.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, and record of service. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of four NJP's, convictions by five SCM's, and one SPCM. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed misconduct. 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