



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

TJR
Docket No: 10197-02
8 September 2003

[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 September 2003. 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 27 January 1958 at age 17. On 8 December 1958 you received nonjudicial punishment (NJP) for absence from your appointed place of duty and were awarded restriction for two weeks. Shortly thereafter, on 29 December 1958, you received NJP for breaking restriction. The punishment imposed was reduction to paygrade E-1.

On 11 March and again on 5 May 1959 you were convicted by summary court-martial (SCM) of two periods of unauthorized absence (UA) totalling three days and breaking restriction. On 25 June 1959 you were convicted by special court-martial (SPCM) of assault and unauthorized possession of an identification card and a library card. You were sentenced to confinement at hard labor for six months, a \$330 forfeiture of pay, and a bad conduct discharge (BCD). The BCD was suspended for six months. On 16 October 1959 a board of review (BOR) dismissed the charge of unauthorized possession of an identification card and a library card. At that

time the BOR approved only so much of the sentence that provided for confinement at hard labor for four months and a \$220 forfeiture of pay.

During the period from 21 January to 27 September 1960 you received NJP on three occasions for two periods of absence from your appointed place of duty and failure to obey a lawful order. On 31 December 1960 you were arrested by civil authorities and charged with burglary. This charge was subsequently changed, and on 4 January 1961, you were convicted by civil authorities of being a "peeping tom." You were sentenced to confinement for two days and a \$25 fine.

On 9 January 1961 you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities as evidenced by your many minor infractions and your attitude and behavior pattern which was not in keeping with traditional Marine Corps standards. After consulting with legal counsel you elected to present your case to an administrative discharge board (ADB). On 10 January 1961 you were convicted by SCM of a two day period of UA and were sentenced to hard labor for 15 days and a \$70 forfeiture of pay, \$45 days of which was suspended for six months.

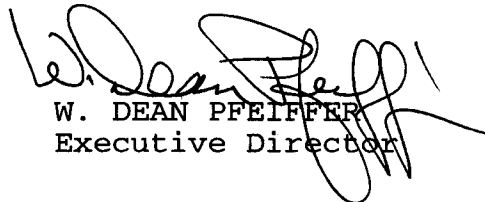
Subsequently, your commanding officer recommended you be issued an undesirable discharge by reason of misconduct due to repeated offenses and civil convictions. On 17 January 1961 an ADB recommended you be issued an undesirable discharge. On 20 January 1961 the discharge authority then directed an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities, and on 25 January 1961 you were so separated.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, post service conduct, and the fact that you nearly completed your enlistment. It also considered your contention that you did not receive an honorable discharge because you were unjustly confined for a year and were not able to obtain sufficient conduct and proficiency marks. The Board further considered your contention that because of your drug addiction you could not made competent decisions. Nevertheless, the Board concluded these factors and contentions were not sufficient to warrant recharacterization of your discharge because of your serious and repetitive misconduct in both the military and civilian communities. 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