



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

TJR  
Docket No: 10251-02  
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 30 November 1956 at age 17. You served without disciplinary incident until 1 May 1959 when you received nonjudicial punishment (NJP) for a 23 day period of unauthorized absence (UA) and were awarded a reduction to paygrade E-1. On 15 August 1959 you were convicted by special court-martial (SPCM) of unlawful discharge of a firearm. You were sentenced to confinement at hard labor for three months and a \$210 forfeiture of pay.

On 2 November 1959 you departed on another period of UA. During this period of UA you were apprehended and held in custody by civil authorities on charges of grand theft, grand theft auto, and drunken driving. On 4 February 1960 you were convicted in civil court of unlawfully taking and driving a vehicle. You were sentenced to an indefinite period of confinement at a youth facility.

On 6 April 1960, while you were in the custody of civil authorities, you were notified of pending administrative separation action by reason of misconduct due to civil

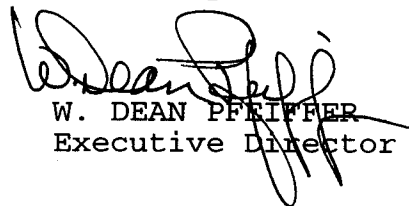
conviction. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board. On 5 May 1960 your commanding officer recommended separation by reason of misconduct due to the foregoing civil conviction. Subsequently, the discharge authority approved this recommendation and directed an undesirable discharge, and on 22 June 1960 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 and your contention that your discharge has been a deterrent in that you can not receive veterans benefits, be a members of various organizations, and cannot apply for certain jobs. Nevertheless, the Board concluded recharacterization of your discharge was not warranted 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