



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

TJR
Docket No: 3152-01
19 February 2002

[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 12 February 2002. 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.

The Board found you enlisted in the Marine Corps on 9 October 1953 at the age of 17. Your record reflects that you served for a year without disciplinary incident but on 15 October 1954 you were convicted by special court-martial (SPCM) of being in an off limits area and appearing in an unclean uniform. You were sentenced to confinement at hard labor for 20 days, a \$55 forfeiture of pay, and reduction to paygrade E-1. On 6 and 22 December 1954 you received nonjudicial punishment (NJP) for disobedience, drunk and disorderly conduct, and interfering with police duties.

Your record further reflects that on 28 July 1955 you received NJP for a five day period of unauthorized absence (UA) and were awarded restriction for two weeks. On 31 October 1955 you were convicted by civil authorities of first degree robbery and were sentenced to confinement for five years.

Subsequently, while in the custody of civil authorities, you were processed for an administrative separation by reason of misconduct due to the civil conviction. On 19 December 1955 your

commanding officer recommended an undesirable discharge by reason of misconduct due to civil conviction. On 12 January 1956 the discharge authority directed an undesirable discharge, and on 9 February 1956 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 contention of good post service conduct. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your misconduct in both the military and civilian communities, especially the civil conviction for a serious offense. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. 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