



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

ELP
Docket No. 2778-99
17 September 1999

[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 9 September 1999. 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 1 July 1961 for four years at age 17. The record reflects that you served for only six months without incident. During the 11 month period from January to December 1962 you were convicted by two summary courts-martial and received two nonjudicial punishments (NJP). Your offenses consisted of two periods of unauthorized absence (UA) totalling about 28 days, loss of a pistol, failure to go to your appointed place of duty, and incapacitation for performance of duty.

In December 1962, you began a series of four UAs totalling about 47 days, from 6-13 December 1976, 13 December 1976 to 14 January 1963, 15-20 January and 21-24 January 1963. No disciplinary action is shown in the record for these four periods of UA.

On 4 June 1963 you were convicted by special court-martial of a 51 day period of UA from 3 February to 27 March 1963. You were sentenced to confinement at hard labor for six months, forfeitures of \$55 per month for six months, and a bad conduct discharge. On 11 June 1963 the convening authority approved only

so much of the sentence that provided for confinement at hard labor for four months, forfeitures of \$55 per month for four months, and a bad conduct discharge. However, on 2 July 1963, the supervisory authority suspended the bad conduct discharge for the period of confinement and six months thereafter. The Navy Board of Review affirmed the findings and the sentence on 6 August 1963.

You were reported UA again on 4 October 1963 and remained absent until you surrendered to military authorities and were placed in confinement on 14 October 1963. No disciplinary action is shown in the record for this period of UA. However, on 7 November 1963, the suspended bad conduct discharge was ordered executed. You received the bad conduct discharge on 22 November 1963.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, need for veterans medical benefits, recent completion of an alcohol rehabilitation program, and the fact that it has been nearly 36 years since you were discharged. The Board noted your contention that you had no alcohol problems prior to your enlistment. The Board concluded that the foregoing factors and contention were insufficient to warrant recharacterization of your discharge given your record of two NJPs, conviction by three courts-martial, and five periods of UA totalling about 57 days for which you received no disciplinary action. The Board noted that out of the five disciplinary actions, only one offense was clearly alcohol related. Alcohol abuse does not excuse misconduct. The Board concluded that you were guilty of too much misconduct during 28 months of service and your discharge appropriately characterizes your service. 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