



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

CRS
Docket No: 6311-02
5 December 2002

[REDACTED]

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This is in reference to your application for reconsideration 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 December 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 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 23 September 1952. The record reflects that you received nonjudicial punishment and were convicted by two special courts-martial. The offenses included unauthorized absences totalling 80 days and failure to obey a lawful order.

A third special court-martial convened on 24 September 1954 and found you guilty of possession of a false liberty card, destruction of military property, destruction of a Sailor's radio, assaulting the same Sailor, and breaking restriction. The court sentenced you to confinement at hard labor for six months, forfeitures of \$50 per month for six months, and a bad conduct discharge. Subsequently, you were convicted by a summary court-martial of an unauthorized absence of 20 days. You received the bad conduct discharge on 1 April 1955.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that alcohol abuse caused your misconduct.

However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to your extensive disciplinary record which included five disciplinary actions for offenses that included unauthorized absences totalling more than three months. In this regard, alcohol abuse does not excuse 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