



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

BJG  
Docket No: 5416-09  
13 April 2010



This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the 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 13 April 2010. 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 entered active duty in the Marine Corps on 5 November 1973, and served honorably for more than two years. You reenlisted on 23 April 1976. You received nonjudicial punishment on one occasion for a 64 day period of unauthorized absence (UA). On 29 August 1980, you were convicted by general court-martial for a 477 day period of UA. Your sentence included a bad conduct discharge (BCD). On 3 September 1981, after serving your confinement and appellate review, you received the BCD.

In its review of your application, the Board carefully weighed all potentially mitigating factors, such as your youth and character references. However, the Board concluded that your BCD should not be changed due to your serious misconduct. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board noted that you may be entitled to benefits with the Department of Veterans Affairs (DVA) for your prior period on honorable service. Please contact the DVA for a final determination regarding your benefits.

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