



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

TRG
Docket No: 32-01
26 July 2001

[REDACTED]

Dear [REDACTED]

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 24 July 2001. 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 17 December 1973 at age 17. During the period 17 September 1974 to 21 February 1975 you received nonjudicial punishment on three occasions. Your offenses were disobedience, failure to go to your appointed place of duty, and making a false official statement on an application for military housing. On 22 May 1975 an investigator concluded that you were involved in the theft of personal property in the barracks. However, there is no disciplinary action in the record for this offense.

On 11 June 1975 you were recommended for a general discharge by reason of unfitness due to your frequent involvement of a discreditable nature with military authorities. In connection with the discharge processing, you elected to waive your right to have your case heard by an administrative discharge board. On 17 June 1975 the discharge authority approved the recommendation of your commanding officer that you be issued a general discharge. You were so discharged on 18 June 1975.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited

education and low score on the aptitude test. The Board found that these factors were not sufficient to warrant recharacterization of the general discharge given your record of misconduct. In this regard, the Board noted that an undesirable discharge was authorized for individuals discharged due to unfitness. Accordingly, you were fortunate to have a general discharge. The Board concluded that the general 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