



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

CRS
Docket No: 301-01
6 July 2001



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 27 June 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 24 July 1970 at age 17. The record reflects that you received two nonjudicial punishments. The offenses included breach of the peace and disrespect.

A special court-martial convened on 7 September 1972 and you were found guilty of burglarizing a sergeant's quarters with the intent to commit larceny, and possession of marijuana on two occasions. The court sentenced you to confinement at hard labor for four months, forfeitures of \$100 per month for four months, a reduction in pay grade, and a bad conduct discharge. You received the bad conduct discharge on 22 January 1974.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your request for clemency, your satisfactory conduct and proficiency marks and your assertion that the sentence was too severe compared with current standards. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your

discharge due to the seriousness of the offenses. The Board also noted that during a period of less than four years, you were the subject of three disciplinary actions, including a conviction by special court-martial. In this regard, under current standards you probably would have received the same discharge. Based on the foregoing, the Board concluded that no change to the discharge 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