



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

CRS
Docket No: 2062-01
16 November 2001

[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 7 November 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 26 August 1969 at age 17. The record reflects that you received two nonjudicial punishments and were convicted by two special courts-martial. The offenses included unauthorized absences totalling 100 days, breaking restriction, willful disobedience of a lawful order, pointing a pistol at a fellow Marine, and communicating a threat.

On 21 September 1971 the commanding officer recommended that you be separated with an undesirable discharge by reason of unfitness. When informed of the recommendation, you elected to waive the right to present your case to an administrative discharge board. Subsequently, you received two more nonjudicial punishments. The offenses included absence from your appointed place of duty on five occasions, willful disobedience of a lawful order on three occasions, and disrespect on three occasions. After review by the discharge authority, the recommendation for separation was approved and you were discharged with an undesirable discharge on 24 February 1972.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and immaturity and the contention that racism caused your problems. However, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge, given your record of frequent involvement with military authorities. In this regard, the Board noted that you were the subject of six disciplinary actions within a period of less than three years. Concerning your contention of racism, you have submitted no evidence to support such a contention. 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