



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

TJR
Docket No: 4154-01
23 November 2001

[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 20 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 7 January 1964 at the age of 17. Your record reflects that on 8 June 1964 you received nonjudicial punishment (NJP) for possession of a dirty rifle and were awarded correctional custody for seven days. On 9 November 1965 you were convicted by a special court-martial (SPCM) of sleeping on post. You were sentenced to reduction to paygrade E-1, a \$120 forfeiture of pay, and restriction for two months.

During the period from 17 January to 14 December 1966 you received NJP on three occasions for absence from your appointed place of duty, two specifications of failure to go to your appointed place of duty, and disobedience. Approximately five months later, on 2 and 9 May 1967, you received NJP for a two day period of unauthorized absence (UA) and breaking restriction.

Your record further reflects that on 16 January 1968 you were convicted by SPCM of four periods of UA totalling 155 days. You were sentenced to reduction to paygrade E-2, confinement at hard labor for three months, and a \$60 forfeiture of pay. On 30

September 1968 you were again convicted by SPCM of two periods of UA totalling 59 days and were sentenced to confinement at hard labor for six months, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 24 December 1968 you were issued a BCD. Approximately nine years later your initial discharge was changed to a general discharge pursuant to Presidential Proclamation 4313.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that your record is in error because it reflects 361 days of lost time. However, the Board concluded these factors and contention were not sufficient to warrant a correction of your naval record given your seven periods of UA totalling 166 days and your three periods of confinement which totalled 195 days. Further, the Board noted that your characterization of service was changed to general under honorable conditions under the provisions of PP-4313, but noted that this change does not make you eligible for veteran's benefits. The Board concluded your record of lost time and characterization of service were proper 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