



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

TRG  
Docket No: 5490-00  
6 June 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 30 May 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 18 May 1967 at age 17. On 28 September 1967 and 27 May 1968 you received nonjudicial punishments for an unauthorized absence of about three days and an absence from your appointed place of duty. A summary court-martial convened on 9 March 1970 and convicted you of an unauthorized absence of about 36 days. The court sentenced you to confinement at hard labor for 30 days, forfeitures of pay and a reduction in rank to PFC (E-2). On 17 April 1970 you were counseled and warned that further misconduct could lead to processing for an undesirable discharge. On 20 April 1970 you received nonjudicial punishment for failing to your appointed place of duty at 1600, 17 April 1970.

Based on the foregoing record, you were processed for an administrative discharge. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. In addition, you stated that you would begin another period of unauthorized absence if you were not discharged. Subsequently, the discharge authority directed an undesirable discharge and you were so discharged on 12 June 1970.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education, and your desire for veterans benefits. The Board found that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated misconduct, failure to respond to counseling, and your stated desire for discharge. The Board concluded that the 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