



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

TJR
Docket No: 4258-02
9 January 2003

[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 January 2003. 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.

You enlisted in the Marine Corps on 12 September 1967 at the age of 20. During the period from 20 December 1967 to 27 March 1968, you underwent three psychiatric evaluations and were diagnosed with anxiety neurosis and anxiety reaction with depression.

On 4 April 1968 you were convicted by special court-martial (SPCM) of three periods of unauthorized absence (UA) totalling 43 days, breaking restriction, and failure to obey a lawful order. You were sentenced to confinement for four months and a \$260 forfeiture of pay, a portion of which was suspended for six months. However, on 5 June 1968, this suspended sentence was vacated due to your continued misconduct.

On 16 May 1969 you were convicted of a 246 day period of UA. The court sentenced you to confinement for six months and a bad conduct discharge (BCD). However, the BCD and portions of the confinement and forfeitures were suspended for six months.

On 9 June 1969 you began another period of UA that was not terminated until 8 February 1970. Shortly thereafter, on 5 March 1970, you began yet another period of UA. During this period of UA you were convicted by civil authorities of speeding and were sentenced to a \$51.25 fine. You were released from civil confinement on 11 September 1970 but did not return to military custody until 22 September 1970. On 12 October 1970 you were convicted by summary court-martial (SCM) of the two foregoing periods of UA totalling 445 days and breaking restriction. You were sentenced to confinement for a month and a \$85 forfeiture of pay.

Subsequently, the suspended BCD was approved at all levels of review. On 10 November 1970, due to your continued misconduct, the suspension of the BCD was vacated and ordered executed. On 13 November 1970 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, psychological problems, and your contention that, upon enlistment, you were promised that you would have an opportunity to play in a band in service clubs. Nevertheless, the Board concluded these factors and contention were not sufficient to warrant recharacterization of your discharge because of the serious nature of your misconduct, specifically, your frequent and lengthy periods of UA. There is no evidence in the record to support your contention, and you have submitted no such evidence. 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