



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

TJR
Docket No: 4684-00
22 January 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 9 January 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 20 July 1972 at the age of 18. Your record reflects that on 7 August 1972 you received nonjudicial punishment for failure to obey a lawful order and were awarded correctional custody for seven days and a \$50 forfeiture of pay. Approximately three months later, on 5 November 1972, you began a 767 day period of unauthorized absence (UA) that was not terminated until 12 December 1974. During this period of UA you were also declared a deserter. Subsequently, you submitted a written request for an undesirable discharge pursuant to Presidential Proclamation 4313. On 8 January 1975 the discharge authority approved your request and you were discharged for the good of the service on that date. In May 1975, you were terminated from the Reconciliation Service Program due to your failure to complete alternate service. Therefore, you did not receive a clemency discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. The Board also considered your contention that you need your discharge upgraded so that you may

obtain medical benefits. However, these factors were not sufficient to warrant recharacterization of your discharge given your lengthy period of UA and your failure to complete the alternate service required for a clemency discharge pursuant to Presidential Proclamation 4313. The Board concluded your 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