



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

WMP
Docket No: 4951-02
6 December 2002

[REDACTED]

[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 4 December 2002. 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 13 January 1974 for four years at age 18. Your record shows that you served without incident until 11 April 1974, when you received nonjudicial punishment (NJP) for dereliction of duty. The punishment imposed was forfeitures of \$75 per month for two months.

On 3 May 1974 you received NJP for two instances of failure to go to your appointed place of duty. The punishment imposed was a forfeiture of \$100. On 15 January 1975 you received NJP for misbehavior of a sentinel. The punishment imposed was confinement for three days on bread and water.

On 3 June 1976 you received NJP for failure to go to your appointed place of duty. The punishment imposed was 30 days of

extra duty, which was suspended for three months. On 30 November 1976 you received NJP for a 14 day period of unauthorized absence, from 13 to 27 November 1976. The punishment imposed was reduction to paygrade E-3 and a forfeiture of \$200. The forfeiture was suspended for three months. On 2 July 1977 you again received NJP for unauthorized absence from 21 to 27 May 1977, a period of six days. The punishment imposed was reduction to paygrade E-3. On 21 June 1977 you received NJP for failure to go to your appointed place of duty. The punishment imposed was forfeitures of \$75 per month for two months.

Your record reflects that you were an unauthorized absentee from 13 July to 24 August 1977, a period of 45 days. On 2 September 1977 you were convicted by a summary court-martial of this period of unauthorized absence. You were sentenced to forfeiture of \$278, 60 days of restriction, and reduction to paygrade E-2. On 2 September 1977, the convening authority approved the adjudged sentence and ordered its execution.

Your record further reflects that you were again an unauthorized absentee from 28 November 1977 to 30 November 1982, a period of about 1,462 days. On 28 July 1982 you were convicted by a special court-martial of this period of unauthorized absence. You were sentenced to reduction to paygrade E-1 and a bad conduct discharge. On 28 July 1982, the convening authority approved the adjudged sentence. On 22 July 1983, upon completion of appellate review, you received the bad conduct discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth, immaturity and the fact that it has been over 19 years since your discharge. However, the Board concluded that your conviction of an unauthorized absence that lasted more than five years warranted severe punishment, which the court-martial correctly imposed. The Board thus concluded that the bad conduct discharge was appropriate and should not be changed. 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