



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

TRG
Docket No: 7385-01
13 February 2002

[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 12 February 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.

You enlisted in the Marine Corps on 16 July 1981 at age 17. On 19 October 1982 you received nonjudicial punishment for an unauthorized absence of about four days. A summary court-martial convened on 9 September 1983 and convicted you of an unauthorized absence of about 164 days. The court sentenced you to reduction to pay grade E-1, forfeiture of \$266 and confinement at hard labor for 30 days.

Based on the foregoing record, you were processed for an administrative discharge by reason of misconduct due to your commission of a serious offense. In connection with this processing, you elected to waive your right to have your case heard by an administrative discharge board. On 22 October 1983 the discharge authority approved the recommendation of your commanding officer that you be discharged for misconduct with a discharge under other than honorable conditions. You were so discharged on 28 October 1983.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and possible immaturity. The Board found that these factors were not

sufficient to warrant recharacterization of your discharge given your summary court-martial conviction for a lengthy period of unauthorized absence. 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