



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

SJN
Docket No: 04560-06
4 April 2007

[REDACTED]

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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 28 March 2007. 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, and applicable statutes, regulations, and policies. The Board was unable to obtain your official records and conducted its review base on the material you submitted.

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 31 December 1964 at age 17. You served without incident for over two years until 18 July 1967, when you were convicted by special court-martial of a 51-day period of unauthorized absence (UA).

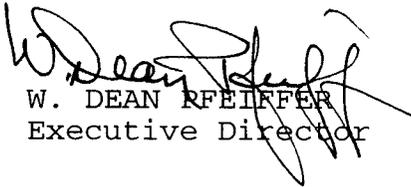
The documentation you submitted shows that you had an additional period of UA that lasted 17 days, from 8 to 25 November 1967. Upon your return to military control, you were placed in confinement. On 4 March 1968 you were convicted of an unknown offense or offenses by a general court-martial (GCM). The available information shows that the GCM sentenced you to bad conduct discharge (BCD) and a lengthy period of confinement. On 22 July 1969, you were released from confinement and received the BCD after appellate review was completed.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service that included your service in Vietnam, the character letters accompanying your application, and post service achievements. However, the Board found that these factors were not sufficient to warrant

recharacterization of your discharge given your conviction by SPCM for a lengthy period of UA, the subsequent 17-day period of UA. Although the Board could not identify the offenses for which you were tried by GCM, the fact that they were referred to a GCM and the fact that the imposed sentence was substantial, led it to conclude that your misconduct was serious. 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 RFEIFFER
Executive Director