



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

SMW

Docket No: 11265-06  
31 January 2008

[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 29 January 2008. 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.

On 3 May 1971, you enlisted in the Marine Corps after falsifying your age. On 7 June 1971, you were honorably discharged by reason of minority enlistment after it was discovered that you were 16 years of age.

On 16 March 1972, you enlisted in the Marine Corps at age 17. On 25 and 26 April 1972, you were in an unauthorized absence (UA) status while at recruit training. On 11 May 1972, you had nonjudicial punishment for the UA and impersonating a gunnery sergeant. On 17 May 1972, while at recruit training, you began a UA that ended on 8 September 1972, a period of about 114 days. Based on the information currently contained in the record, it appears that you subsequently requested an undesirable discharge (UD) for the good of the service to avoid trial by court-martial for the charge of UA. Apparently, the separation authority approved your request for a UD for the good of the service. On 31 October 1972, while at recruit training, you were so discharged.

The Board, in its review of your entire record, carefully considered all potential mitigation, such as your youth. The Board also considered the letters of reference and your contention that you served in Vietnam. Nevertheless, the Board found the evidence and materials submitted were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct, specifically, a UA that exceeded three months. Furthermore, the Board believed that considerable clemency was extended to you when your request for discharge to avoid trial by court-martial was approved since, by this action, you escaped the possibility of confinement at hard labor and a punitive discharge. Regarding your contention of serving in Vietnam, there is no evidence in the record to show that you ever served in Vietnam or even had an opportunity to serve in Vietnam since you never completed recruit training. Finally, the Board concluded that you received the benefit of your bargain with the Marine Corps when your request for discharge was granted and should not be permitted to change it now. 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