



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

TJR
Docket No: 3780-07
15 February 2008

[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, 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 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.

You enlisted in the Marine Corps on 14 April 1973 at age 17 and served without disciplinary incident until 17 December 1973, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty.

During the period from 5 February to 13 June 1974 you received NJP on four more occasions for two periods of unauthorized absence (UA) totalling four days, failure to go to your appointed place of duty, absence from your appointed place of duty, and five specifications of failure to obey a lawful order. On 17 October 1974 you were convicted by summary court-martial (SCM) of a three day period of UA and sentenced to confinement for one month and a \$217.40 forfeiture of pay.

On 1 November 1974 you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities.

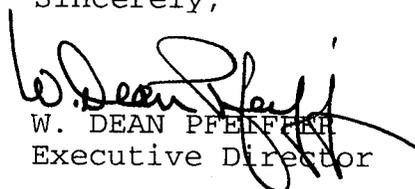
At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 5 December 1974 your commanding officer recommended an other than honorable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. On 15 January 1975 the discharge authority approved this recommendation and directed an other than honorable discharge, and on 24 January 1975 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth, post service conduct, and desire to upgrade your ~~discharge. Nevertheless, the Board concluded these factors were~~ not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct, which resulted in five NJPs and a court-martial conviction. Finally, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an ADB. 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 PFEFFER
Executive Director