



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

SJN
Docket No: 04031-07
4 February 2008

[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 24 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.

You enlisted in the Marine Corps on 25 March 1964 at age 17. On 12 September 1964, you received nonjudicial punishment (NJP) for a two-day period of unauthorized absence (UA). On 30 March 1965, you were convicted by special court-martial (SPCM) of a 166-day period of UA and breaking restriction. You were sentenced to confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). On 22 April 1965, the convening authority suspended a portion of your confinement and the BCD for a period of six months.

On 5 November 1965 and 3 March 1967, you received two more NJP's for a four-day period of UA and another period of UA. On 8 January 1968, you were convicted by a second SPCM of two periods of UA totaling 197 days and disobedience. You were sentenced to a reduction in paygrade, confinement at hard labor, and a forfeiture of pay. On 3 April 1969, you were convicted by a third SPCM of three specification of UA totaling 170 days. You were sentenced to confinement at hard labor, a forfeiture of pay, and a BCD. On 20 June 1969, you waived your right to request restoration and requested the execution of your BCD. You 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, overall record of service, and service in Vietnam. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your three NJP's and three SPCM convictions for periods of UA totaling over 17 months. 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