



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

SJN
Docket No: 07821-07
3 July 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 1 July 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.

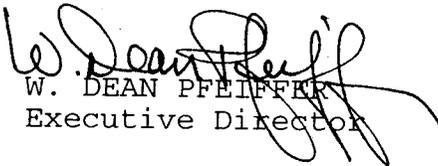
You enlisted in the Marine Corps on 9 January 1978 at age 21. On 6 March and 18 July 1978, you received nonjudicial punishment (NJP) for disobedience and being out of uniform. On 30 January 1979, you were convicted by special court-martial (SPCM) of three specifications of unauthorized absence (UA) totaling 114 days. You were sentenced to a reduction in paygrade, confinement at hard labor, and a forfeiture of pay. On 16 January 1980, you were convicted by a second SPCM of two specifications of UA totaling 186 days and assault with a deadly weapon. You were sentenced to confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD). On 20 March 1980, you waived your right to request restoration to full duty and received the BCD after appellate review was completed.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall period of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your two NJP's, convictions by two SPCM's

for periods of UA totaling 10 months, and assault with a deadly weapon. 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