



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

TJR  
Docket No: 8013-07  
3 October 2008

[REDACTED]

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 1 October 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 13 June 1969 at age 18 and served without disciplinary incident until 8 July 1970, when you received nonjudicial punishment (NJP) for absence from your appointed place of duty. About five months later, on 13 December 1970, you received NJP for disrespect.

During the period from 16 January to 19 October 1971 you received NJP on four more occasions for four periods of absence from your appointed place of duty and disrespect. You were also convicted by summary court-martial (SCM) on two occasions of nine periods of absence from your appointed place of duty.

On 20 October 1971 you were notified of pending administrative separation action by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. After consulting with legal counsel, you elected to present your case to an administrative discharge board (ADB). On 9 December 1971 an ADB recommended discharge under honorable conditions by reason of unfitness due to frequent involvement of a discreditable nature with military authorities. However, your

commanding officer did not concur with the recommendation of the ADB and recommended an undesirable discharge. On 16 December 1971 you received your seventh NJP for disobedience and being on liberty without the proper identification card. The punishment imposed was extra duty and restriction for 14 days. Shortly thereafter, the discharge authority directed a general discharge by reason of unfitness, and on 23 December 1971 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 and assertions that your discharge has caused you anguish, since being discharged you have become suicidal, and your problems started when you were notified of your mother's illness. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct, which resulted in seven NJPs and two court-martial convictions. 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