



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

TJR
Docket No: 8139-07
9 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 8 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 1 November 1965 at age 17 and served without disciplinary incident until 24 January 1967, when you received nonjudicial punishment (NJP) for an eight day period of unauthorized absence (UA). On 3 August 1967 you were convicted by special court-martial (SPCM) of three periods of UA totalling 60 days and breaking straggler orders. About five months later, on 8 January 1968, you were again convicted by SPCM of a 23 day period of UA.

On 8 May 1969 you were convicted by SPCM of a 204 day period of UA. You were sentenced to confinement at hard labor for six months, reduction to paygrade E-1, a \$450 forfeiture of pay, and a bad conduct discharge (BCD). However, the BCD was subsequently suspended. Nonetheless, you were subsequently notified of pending administrative separation 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 27 February 1970 your commanding officer recommended an undesirable discharge by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. On 7 March 1970 the discharge authority approved this recommendation and directed an undesirable discharge, and on 13 March 1970 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 you made some bad decisions and that your periods of UA were due to you experiencing personal problems. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct which resulted in NJP and three 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