



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

CRS
Docket No: 9855-07
5 May 2008



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 30 April 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

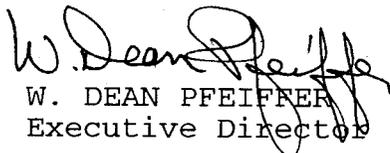
The Board found that you enlisted in the Marine Corps on 16 December 1970. On 12 January 1972 you received nonjudicial punishment for a two day period of unauthorized absence. You were absent without authority from 12 August 1972 to 16 April 1975 and from 28 April 1975 to 13 July 1984, a total of 4329 days. On 21 September 1984 you were discharged under other than honorable conditions by reason of misconduct/commission of a serious offense, based on your absences without leave of almost twelve years duration.

The Board carefully weighed all potentially mitigating factors present in your case, such as your youth, drug dependence, and belief that you were exposed to Agent Orange. The Board concluded that those factors were insufficient to warrant the upgrade of your discharge given your lengthy periods of unauthorized absence and limited period of creditable service. 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