



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

RDZ:ecb
Docket No. 10322-07
8 August 2008

[REDACTED]

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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 5 August 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.

You enlisted in the Marine Corps on 3 June 1970 at age 17. On 19 November 1970 you received nonjudicial punishment (NJP) for eight days of unauthorized absence (UA). On 7 April 1970 you were tried and convicted by special court-martial (SPCM) for three periods of UA totaling 77 and a half days, and breaking restriction. Two of these periods of UA were terminated when you were apprehended. You were sentenced to four months of confinement at hard labor, forfeiture of \$25.00 for six months, reduction to private and a bad conduct discharge (BCD). While in confinement you waived your right to request restoration to

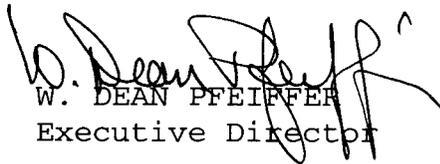
duty and agreed to accept the BCD. On 6 March 1972 you were so discharged.

In its review of your application the Board took into account all extenuating and mitigating matters such as your youth and remorse for committing the above offenses as well as your contention that all of your UAs were caused by family problems. Nevertheless the Board concluded that in view of the frequency and seriousness nature of your offenses as well as your willingness to accept a BCD, your discharge was properly issued and should not be changed now as a matter of clemency.

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