



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

RDZ:ecb
Docket No. 10338-07
30 July 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 22 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 that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 7 August 1964 at age 17. Between 15 January and 27 August 1965 you received two nonjudicial punishments (NJP) and one special court-martial. Your offenses were an unauthorized absence (UA) of four days, a second UA of 8 days, a third UA 27 days and a fourth UA of 32 days. The 27 and 32 day UAs were terminated when you were apprehended. On 28 April 1966 you were convicted by a second special court-martial of an 89 day period of UA that was terminated by apprehension. The court sentenced you to receive a bad conduct discharge (BCD), confinement at hard labor for six

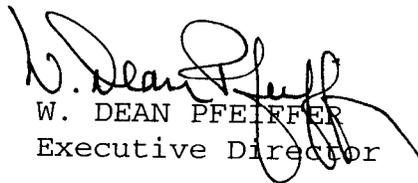
months. On 8 August 1966 you waived restoration to duty saying that you would rather have a BCD than continue to serve in the Marine Corps. On 27 September 1966 you were so discharged.

In its review of your application the Board took into account all matters in extenuation and mitigation such as your youth at the time you committed your offenses. It also considered your contention that you "did not believe" in the Vietnam War and that your last and longest period of UA was the direct result of this belief. Nevertheless in view of your repeated acts of serious misconduct which occurred over a relatively short period of time during conditions of war the Board concluded that your BCD 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