



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

SMW
Docket No: 10683-07
31 July 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 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

On 19 January 1966, you enlisted in the Marine Corps at age 20. On 7 June 1966, you reported to a staging battalion at Camp Pendleton, California. On 19 July 1966, you began an unauthorized absence (UA) that ended on 1 August 1966, a period of about 13 days. On 16 August 1966, you had nonjudicial punishment for this offense. During the period 24 to 26 August 1966, you were in a UA status. On 19 September 1966, you were convicted by a summary court-martial of the two day period of UA and two instances of breaking restriction. On 25 October 1966, you were convicted by a special court-martial (SPCM) of two instances of disobedience of a lawful order and assault.

On 8 February 1967, you began another period of UA when you escaped from guards. On 10 February 1967, the UA ended when you were issued straggler orders. However, you failed to comply with the orders and began another UA that ended on

12 February 1967, when you were apprehended by military authorities and delivered under guard. On 17 March 1967, you were convicted by SPCM of these two instances of UA totaling four days, willful disobedience of a lawful order, and disrespect. The sentence included forfeitures of pay, confinement at hard labor, and a bad conduct discharge (BCD). A portion of the sentence was subsequently reduced and you were placed on 12 months of probation. On 30 June 1967, while on probation, you began a UA that ended about 187 days later when you surrendered. On 9 February 1968, the suspended sentence was vacated and the BCD was ordered executed. On 16 February 1968, you were discharged with a BCD.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth and desire for a better discharge. The Board also considered your contention that you had no one to assist you with your state of mind. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your UA's that totaled more than six months. Regarding your contention, there is no evidence in the record to show that you ever requested or were denied assistance. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. 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