



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

SMW
Docket No: 10873-07
14 August 2008

[REDACTED]

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 13 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

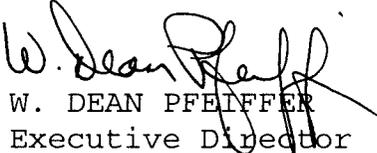
On 27 June 1978, you enlisted in the Marine Corps at age 19. On 23 May 1979, you had nonjudicial punishment for absence from your appointed place of duty. On 6 June 1979, you began an unauthorized absence (UA) that ended on 18 September 1979, a period of about 104 days. On 5 November 1979, you were convicted by a special court-martial (SPCM) of the 104 day period of UA. During the period 27 December 1979 to 13 May 1980, you were in a UA status on two occasions totaling about 71 days. On 19 June 1980, you were convicted by a SPCM of the two instances of UA totaling 71 days. The sentence included forfeitures of pay, confinement at hard labor, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 10 April 1981, you were so discharged.

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 personal problems may have contributed to your misconduct. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge, given your courts-martial convictions and UA's that totaled more than five months. Furthermore, there is no evidence in the record to show that personal problems may have contributed to your misconduct. But, even if there was such evidence, that would not excuse your misconduct. 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