



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

TRG
Docket No: 10911-07
29 September 2008

[REDACTED]

[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 23 September 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 Navy on 29 February 1968 at age 17. Subsequently, you were an unauthorized absentee beginning on 2 January 1969. On 24 February 1969, you were convicted in juvenile court of two counts of theft of automobiles and handguns from a private residence. The record shows that you returned to the Navy on 30 June 1969 but the next day you were being held by civil authorities.

Based on the foregoing record, you were processed for an administrative discharge. It states in the recommendation for discharge that you were then currently confined by civil authorities. After review, the separation authority directed discharge under other than honorable conditions and you were so discharged on 13 October 1969.

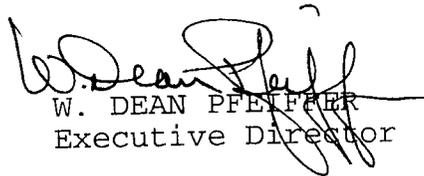
In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and your contention that you were told that the discharge would be automatically upgraded after a period of six months. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your conviction by civil authorities which resulted in a lengthy period of absence from the Marine Corps. There is no provision

in the law or regulations which would allow for recharacterization of a discharge based solely on the passage of a period of time. 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