



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

CRS
Docket No: 10965-07
26 September 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 27 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.

The Board found that you enlisted in the Marine Corps on 9 September 1966. You received five nonjudicial punishments and were convicted by a summary court-martial and two special courts-martial. Your offenses included unauthorized absences, failure to obey a lawful order, use of provoking words, theft of two cases of combat rations, assault on a village chief, and sleeping on post. You were punished for offenses you committed before, during and after your service in Vietnam.

Upon being notified that you were being processed for administrative separation by reason of unfitness, you waived your rights to counsel and to appear before an administrative discharge board. On 7 August 1969 your commanding officer recommended that you be separated from the Marine Corps by reason of unfitness due to frequent involvement of a discreditable nature with military authorities, with an undesirable discharge. After review by the discharge authority, the recommendation for separation was approved and on 2 October 1969 you were discharged with an undesirable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth and service in

Vietnam. The Board found those factors were insufficient to warrant the upgrade of your discharge given your extensive disciplinary record. 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