



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

BAN
Docket No: 11060-07
6 August 2008



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 6 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.

You enlisted in the Marine Corps on 31 May 1972 and served without disciplinary incident until December 1972, when you received a special court-martial (SPCM) for disrespect toward a warrant officer and willfully disobeying a warrant officer.

Shortly thereafter, you were charged and found guilty at the following nonjudicial punishments (NJP): On 29 May 1973, unauthorized absence (UA), on 14 September 1973, UA and insubordinate conduct toward a warrant officer, on 21 November 1973, disobeying a lawful order and finally on 25 April 1974, reckless driving and UA. In March 1975, you were pending a SPCM for UA (desertion), attempted assault, disrespect toward a noncommissioned officer, and assault. However, on 24 February 1975, after consulting with legal counsel, you requested an administrative separation for the good of the service with an other than honorable discharge in lieu of a SPCM. On 1 April

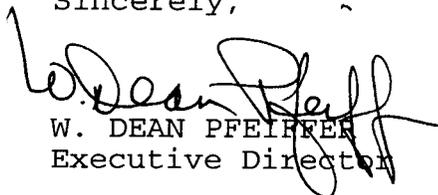
1975, the discharge authority approved this request and directed an other than honorable discharge, and on 3 April 1975, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct. 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