



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

TJR
Docket No: 11117-07
14 November 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 13 November 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 15 September 1972 at age 18 and served for five months without disciplinary incident, but on 27 February 1973, you received nonjudicial punishment (NJP) for a two day period of unauthorized absence (UA). On 29 August 1973 you were convicted by special court-martial (SPCM) of a 101 day period of UA. You were sentenced to confinement at hard labor and a forfeiture of pay. About three months later, on 13 November 1973, you received NJP for absence from your appointed place of duty.

On 7 June 1974 you were again convicted by SPCM of assault and sentenced to confinement at hard labor for 15 days and a \$150 forfeiture of pay. On 7 November 1974 you received NJP for failure to obey a lawful order. Shortly thereafter you were convicted by civil authorities of possession of marijuana and sentenced to confinement for six months, which was suspended for one year.

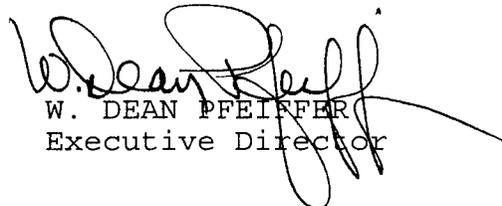
On 18 November 1974 you were notified of pending administrative separation by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities. At that time you waived your right to consult with legal counsel and to present your case to an administrative discharge board (ADB). On 16 January 1974 your commanding officer recommended an undesirable discharge by reason of unfitness due to frequent involvement of a discreditable nature with military and civilian authorities. On 19 March 1974 the discharge authority approved this recommendation and directed an undesirable discharge, and on 27 March 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, post service conduct, and desire to upgrade your discharge. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of your repetitive misconduct in both the military and civilian communities, and your lengthy period of UA from the Marine Corps. 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