



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

TRG  
Docket No: 11317-07  
25 June 2008



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 10 June 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 Marine Corps on 23 August 1966 at age 18. On 3 September 1966 you received nonjudicial punishment (NJP) for disobedience and disrespect. On 26 July 1967 you arrived in Vietnam. On 10 September 1968 you received NJP for three instances of disobedience while at an ambush site and communicating a threat. The service record entry indicates that you did not appeal the NJP. On 7 November 1968 you were convicted by a special court-martial of disobedience and wrongful use of provoking words. You left Vietnam on 12 March 1969. On 25 February 1970 you were released from active duty with your service characterized as honorable. Subsequently, you were issued an honorable discharge certificate at the end of your military obligation.

You contend in your application, in effect, that the nature of your offenses recorded in your service record for which you received NJP on 10 September 1968 was misstated. It was assumed that you wanted the NJP removed from your record.

Please be advised that the evidence to support an NJP is routinely destroyed after several years. Therefore, given the passage of time the only record of the 11 September 1968 NJP is the entry in your service record.

The Board concluded that in the absence of evidence to the contrary it must conclude that the offenses you committed were properly stated and there is no basis for removal of the NJP from your 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