



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

RDZ:ecb  
Docket No. 00532-08  
29 September 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 25 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 late husband enlisted in the Marine Corps on 24 November 1967 at age 17. He was on unauthorized absence (UA) from 6 May to 31 May 1968 when he was delivered to the Marine Corps by civil authorities who had apprehended him for certain crimes he committed while he was UA. On 17 June 1968 he received nonjudicial punishment (NJP) for disobedience. He received a second NJP on 17 July 1968 for being UA from 23 June to 31 July 1968 and breaking restriction. On 24 October 1968 he was tried and convicted by summary court-martial for being UA from 7 August to 12 September 1968. Based on his disciplinary record

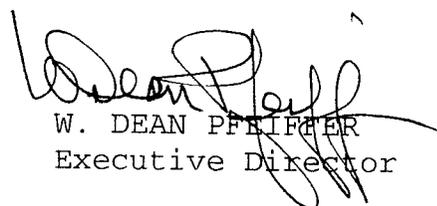
he received an undesirable discharge on 30 December 1968. Your late husband's record also shows during his periods of UA he engaged in numerous acts of car theft, one act of petty theft, one act of forgery and one act of malicious mischief. Furthermore, in a written report from civil authorities in Torrance, California to Marine Corps officials dated 5 September 1968 your late husband made it clear that he wanted to be discharged from the Marine Corps and that he would continue to go UA and commit other crimes to achieve this end. A copy of this report is enclosed.

In its review of your application the Board took into account all matters in extenuation and mitigation such as his youth. Nevertheless in view of your late husband's repeated and serious offenses committed in both the civilian and military communities he was properly separated with an undesirable discharge and it should not be changed now as a matter of clemency.

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

