



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

RDZ:ecb  
Docket No. 00730-08  
11 March 2009

[REDACTED]

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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 March 2009. 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 17 April 1963 for a term of four years. Unfortunately you served less than three years of which nearly one year was lost time made up of several periods of unauthorized absence (UA) and confinement at hard labor. More specifically on 20 October 1964 you were convicted by special court-martial (SPCM) of nearly 80 days of UA. Shortly after serving a period of four months of confinement at hard labor you began another period of UA that lasted nearly 50 days. For this offense you received a second SPCM and received a sentence that included a bad conduct discharge and four months of confinement. When you were released from the brig and

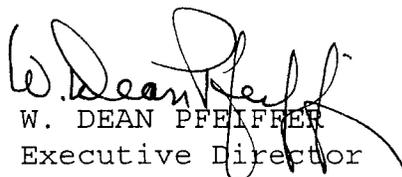
awaiting appellate review of your second conviction you again went UA on two separate occasions. You received your bad conduct discharge on 22 March 1966.

In its review of your application the Board concluded that in view of your lengthy periods of UA, which occurred close in time to each other, and your subsequent misconduct while awaiting appellate review your discharge was proper as issued and 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