



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

TJR  
Docket No: 919-08  
10 December 2008

[REDACTED]

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 9 December 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 26 July 1972 at age 18 and served for eight months without disciplinary incident. However, on 7 March and again on 4 April 1973, you received nonjudicial punishment (NJP) for failure to obey a lawful order and an 18 day period of unauthorized absence (UA). On 9 April 1973 you began another period of UA that was not terminated until you were apprehended by civil authorities on 12 August 1973. As a result of this arrest, on 20 August 1973, you were convicted by civil authorities of grand theft auto and sentenced to confinement for up to five years. However, on 25 October 1973, you were returned to military custody, thus terminating a 199 day period of UA. Nonetheless, on 26 November 1973, you began a period of UA that was not terminated until 30 March 1974.

On 24 April 1974 you were convicted by special court-martial (SPCM) of two periods of UA totalling 323 days. You were sentenced to confinement at hard labor for three months, an \$800 forfeiture of pay, and a bad conduct discharge (BCD). On 16 September 1974 you submitted a written request for immediate

execution of the BCD. Subsequently, the BCD was approved at all levels of review, and on 14 February 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 and desire to upgrade your discharge. It also considered your assertion of being diagnosed with a Bi-Polar Disorder. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct in both the military and civilian communities and included repetitive and lengthy periods of UA from the Marine Corps. Finally, there is no evidence in the record and you submitted none, to support your assertion. 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