



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

TJR  
Docket No: 1178-09  
24 June 2009

[REDACTED]

Dear [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 17 June 2009. The names and votes of the members of the panel will be furnished upon request. 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 3 August 1964 at age 18 and served for a year and seven months without disciplinary incident. However, on 7 March 1966, you were convicted by summary court-martial (SCM) of a nine day period of unauthorized absence (UA) and missing the movement of your ship. About a year and six months later, on 12 September 1967, you were convicted by special court-martial (SPCM) of a 78 day period of UA.

On 2 April 1968 you were convicted by SPCM of a 107 day period of UA and sentenced to confinement at hard labor for six months, a \$360 forfeiture of pay, and a bad conduct discharge (BCD). On 1 May 1968 the Board of Review (BOR) suspended the BCD for a total of 12 months due to your performance of meritorious service in the Republic of Vietnam. However, on 6 December 1968, you were again convicted by SPCM of a 64 day period of UA, and on 10

January 1969 the BOR vacated the suspended BCD. As a result, on 5 May 1969, you were issued a BCD. Approximately eight years later, on 23 June 1977, your initial discharge was changed due to your completion of alternate service, and you were awarded a clemency discharge pursuant to Presidential Proclamation 4313 (PP-4313).

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 so that you may obtain veterans' benefits. It also considered your assertion that your discharge was due to family, financial, and mental problems. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge given the frequency and seriousness of your lengthy periods of UA from the Marine Corps. Finally, the Board noted that you were issued a clemency discharge under the provisions of PP-4313, but concluded that a further change, which would make you eligible for benefits, was not warranted. Accordingly, your application has been denied.

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