



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX CRS
WASHINGTON DC 20370-5100 Docket No: 2627-08
27 May 2009

[REDACTED]

[REDACTED]

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 20 May 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.

The Board found that you enlisted in the Marine Corps on 29 November 1966. On 10 January 1968 you were convicted by a summary court-martial of a period of unauthorized absence.

A special court-martial convened on 7 April 1969 and found you guilty of two periods of unauthorized absence and failure to obey a lawful order. The court sentenced you to confinement at hard labor for six months, forfeiture of \$73.00 per month for six months, reduction in rank, and a bad conduct discharge. You received the bad conduct discharge on 22 August 1969.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, overall service, and the contention that racial discrimination caused your misconduct. The Board concluded that those factors were insufficient to warrant recharacterization of your service, given the nature and severity of your offenses. The Board also concluded that you have not demonstrated that you were the victim of racial discrimination. 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