



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

SJN  
Docket No: 03140-08  
12 February 2009

[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 10 February 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 27 February 1975 at age 19. During the period from 24 June 1975 to 19 May 1976, you received three nonjudicial punishments (NJP's) for two periods of unauthorized absence (UA) totaling 15 days and two instances of disobedience. You also were convicted by summary court-martial (SCM) of failure to go to your appointed place of duty, disobedience, disrespect, and communicating a threat. On 31 August 1976, you were convicted by special court-martial (SPCM) of three periods of UA totaling 28 days and assault. You were sentenced to confinement at hard labor, a forfeiture of pay, and a bad conduct discharge (BCD).

On 17 December 1976, your request for restoration to full duty was denied. However, on 9 February 1977, you received a fourth NJP for assault. You received an other than honorable discharge on 18 February 1977 after appellate review was completed.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall period of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given your record of four NJP's and conviction

by SCM and SPCM for very serious offenses. 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 PFRIFFER  
Executive Director