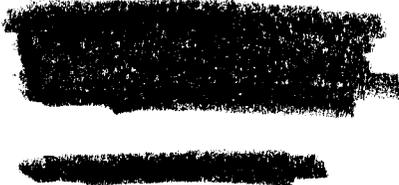




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

SMS  
Docket No: 6614-08  
19 March 2009



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 18 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.

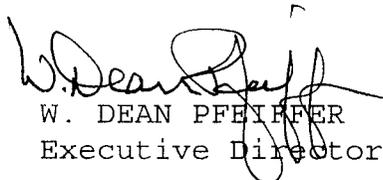
On 31 July 1978, you enlisted in the Marine Corps at age 19 with an enlistment guarantee to be assigned in the aviation maintenance field. On 18 November 1978, you reported to the Aviation Machinist Mate School for duty as a student. On 28 February 1979, you had nonjudicial punishment for two periods of unauthorized absence (UA) totaling about 22 days. On 13 March 1979, you were counseled regarding your military appearance and bearing, performance of duty, and language in school. On 20 March 1979, you received a psychiatric evaluation during which you stated that you went UA because you could not adjust and you did not like being given orders. The evaluation found that you had a passive dependent personality. On 2 April 1979, you began another period of UA and were dropped from the Aviation Machinist Mate School the next day due to your UA's. On 18 February 1980, you surrendered, after being UA for about 322 days. On 31 March 1980, you were

convicted by a special court-martial of the 322 day period of UA. Your sentence included confinement at hard labor, forfeitures of pay, and a bad conduct discharge (BCD). After the BCD was approved at all levels of review, on 6 March 1981, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potential mitigation, such as your youth. The Board also considered your contention that you had an enlistment guarantee to be assigned in the air traffic control field and your contract was not honored. Nevertheless, the Board concluded that these factors were not sufficient to warrant recharacterization of your discharge due to the seriousness of your misconduct, specifically, more than 11 months of total UA. Regarding your contention, the record shows that the Marine Corps honored your enlistment guarantee to allow you to serve in the aviation maintenance field, but it was terminated because of your repetitive misconduct. Therefore, the Board concluded that the discharge was proper as issued and no change is warranted. 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