



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

SJN  
Docket No: 06969-08  
22 May 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 19 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 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 30 June 1972 at age 24. During the period from 12 December 1972 to 2 February 1973 you received three nonjudicial punishments (NJP's) for three periods of unauthorized absence (UA) totaling 20 days, wearing utilities off base, and eating in the chow hall without paying while receiving a meal allowance. On 8 March 1973, you were convicted by summary court-martial (SCM) of three periods of UA totaling about six days. On 18 April 1973, you were convicted by special court-martial (SPCM) of eight days of UA. You were sentenced to confinement at hard labor.

On 26 April 1973, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. You elected to consult with legal counsel and subsequently requested an administrative discharge board (ADB).

On 13 July 1973, an ADB unanimously found that you had committed misconduct due to frequent involvement, and recommended an undesirable discharge due to unfitness. Your commanding officer concurred with the ADB and forwarded your case to the discharge authority for review. On 25 July 1973, the discharge authority directed an undesirable discharge due to unfitness. You were so discharged on 26 July 1973.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge because of the three NJP's, and convictions by a SCM and a SPCM. 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