



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

TRG
Docket No: 8130-08
16 January 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 13 January 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.

You enlisted in the Marine Corps on 5 February 1962 at age 17. Your record shows that you scored in mental group IV on the aptitude test and had completed eight years of education. On 24 March 1964 you received nonjudicial punishment for conduct to the prejudice of good order and discipline. A special court-martial convened on 26 February 1965 and convicted you of two periods of unauthorized absence totaling about 140 days and conduct with intent to defraud. The sentence of the court included a bad conduct discharge which was suspended for a probationary period of six months. You were then charged with a period of unauthorized absence from 16 June to 13 September 1965, a period of about 87 days. Apparently during this period, you were convicted by civil authorities of interstate transportation of a stolen motor vehicle. Sometime during this period, the suspension of the bad conduct discharge was vacated. Subsequently, you were an unauthorized absentee from 18 September to 28 December 1965 when you were apprehended by civil authorities. On 27 January 1966 you were convicted by civil authorities of transferring a firearm across state lines after being convicted of a felony. The bad conduct discharge was issued on 22 March 1966.

In its review of your application the Board carefully weighed all

potentially mitigating factors, such as your youth and limited education. The Board found that these factors were not sufficient to warrant recharacterization of your discharge given your multiple instances of military and civilian misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

There is nothing in your service or medical record to show that you served in Vietnam or that you were wounded in action. Therefore, there is no basis for the award of the Purple Heart in your case.

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