



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

RDZ:ecb  
Docket No. 09263-08  
8 April 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 1 April 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 13 April 1971. Between September 1971 and February 1973 you received five nonjudicial punishments (NJP) and one special court-martial. Your offenses were willful disobedience of a lawful order of a sergeant, failure to obey an order on two occasions, a seven day period of unauthorized absence (UA), 16 days of UA, three days of UA and aiding and abetting another Marine who illegally possessed and wrongfully discharged a firearm in the barracks. On 22 March 1973 you were convicted by a special court-martial of 7 days of UA, disobedience of a lawful order and stealing \$31 from another

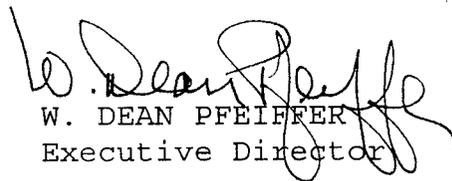
Marine. You were sentenced to confinement at hard labor for four months, forfeiture of pay and a bad conduct discharge (BCD). However, in an effort to give you one more opportunity to complete your enlistment in an honorable manner the BCD was suspended and you were placed on probation. Unfortunately after being released from confinement you received three additional NJPs for disobedience of orders, absence from appointed place of duty and failure to obey a lawful order. As a result of these offenses which were violations of your probation you received a BCD on 10 April 1974.

In its review of your application the Board concluded that in view of your repeated acts of misconduct, some of which were indeed serious, as well as your repeated violations of probation your BCD was properly issued and should not be changed now as a matter of clemency.

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

Enclosure