



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

RDZ:ecb
Docket No. 09620-08
10 July 2009

[REDACTED]

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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 8 July 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 6 April 1966. On 6 April 1967 you were tried and convicted by special court-martial (SPCM) for a 45 day period of unauthorized absence (UA). Less than six months later you received a second SPCM for 37 days of UA and failure to obey a lawful order. On 15 February 1968 you received nonjudicial punishment for 19 hours of UA. On 10 January 1969 you received your third SPCM and were convicted of wrongful possession and use of marijuana. As part of your sentence you were awarded a bad conduct discharge. On 21 June 1969, while you were awaiting appellate review of your last SPCM

conviction you were tried and convicted by summary court-martial of seven hours of UA. You subsequently waived your right to request restoration to duty and instead asked that you be given your BCD, which you received on 31 October 1969.

The Board in its review of your application concluded that your frequent and serious misconduct clearly showed that your discharge was proper as 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