



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

RDZ:ecb  
Docket No. 10505-08  
14 August 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 11 August 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 at age 20 for a term of four years on 6 August 1974. Unfortunately you only served a little over one year and five months when you received an other honorable discharge (OTH) due to your frequent acts of misconduct. Specifically between February 1975 and March 1976 you received two nonjudicial punishments and were convicted by special court-martial. Your offenses were four periods of unauthorized absence totaling 127 days. When you were informed that you were being recommended for an OTH based on your disciplinary record you waived your right to a hearing where you

would have been represented by a military lawyer and could have requested either retention or a better discharge.

In its review of your application the Board concluded that in view of your frequent unauthorized absences, some of which were lengthy, as well as your apparent willingness to accept an OTH 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