



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

CRS  
Docket No: 456-08  
25 September 2008

[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 17 September 2008. 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.

The Board found that you enlisted in the Marine Corps on 28 June 1972. You received eight nonjudicial punishments for offenses that included absence from your appointed place of duty, being drunk on duty, incapacitation for duty, failure to obey a lawful order, and disorderly conduct.


A special court-martial convened on 1 November 1973 and found you guilty of attempting to escape from custody, disrespect, assault on an officer, violation of a lawful order, willful disobedience of a lawful order, failure to obey a lawful order, and absence from appointed place of duty. The court sentenced you to confinement at hard labor for three months, forfeiture of \$216 per month for three months, and a bad conduct discharge (BCD). On 25 April 1974 you waived your right to request restoration to duty, and asked that the BCD be executed. You were discharged on 17 August 1976.

The Board carefully considered your contention that the judge in your special court-martial and a psychiatrist whom you saw while on appellate leave each recommended that your discharge be suspended, but could not find any credible evidence in support of that contention. It concluded that your service was

appropriately characterized with a BCD, given your repeated acts of misconduct. 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