



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

BAN  
Docket No: 02896-08  
11 December 2008

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 10 December 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps on 13 May 1966, and served without disciplinary incident until 9 November 1966, when you received nonjudicial punishment (NJP) for dereliction of duty.

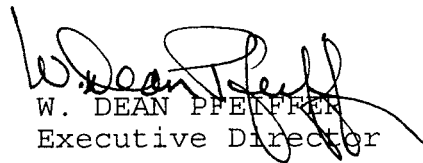
Shortly thereafter, you had the following disciplinary actions: on 2 July 1967 and on 15 September 1967, you were convicted at a special court-martial (SPCM) for willfully disobeying a lawful order by a noncommissioned officer, leaving your post without being properly relieved, assault, and communicating a threat to a noncommissioned officer; on 19 April 1968, you were found guilty at NJP for sleeping on post; on 6 September 1968, you received an NJP for an unauthorized absence; and on 8 April 1969, you were convicted at another SPCM for an unauthorized absence, totaling in excess of six months. As a result of your last SPCM conviction, you received a bad conduct discharge and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your 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 PFETTER  
Executive Director