



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

TRG  
Docket No: 3783-08  
5 February 2009

[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 3 February 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.

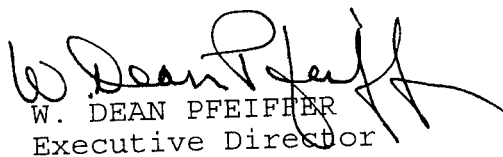
You enlisted in the Marine Corps on 5 February 1973 at age 18. On 8 June and 14 September 1973 you received nonjudicial punishment for two periods of unauthorized absence totaling about 88 days. A special court-martial convened on 12 July 1974 and convicted you of an unauthorized absence of about 201 days and breaking restraint. The sentence of the court included confinement, forfeitures of pay and a bad conduct discharge. On 16 September 1974 you elected to waive consideration for restoration to duty and requested execution of the bad conduct discharge. The discharge was issued on 15 December 1974.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your youth, limited education and contention that your grandfather's illness meant that you had to go home to take care of the livestock. The Board found that these factors and contention were not sufficient to warrant recharacterization of your discharge given your record of misconduct. There is no evidence in your record and you have submitted none to support your contention that you had a family hardship or if you did that it was sufficient to excuse or mitigate your misconduct. The Board concluded that the discharge was proper as issued and no change is warranted.

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