



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

RDZ:ecb  
Docket No. 04444-08  
8 April 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 1 April 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 28 April 1961. Between June 1962 and September 1963 you received one summary court-martial two special courts-martial and one nonjudicial punishment. Your offenses were several periods of unauthorized absence (UA), being disrespectful to a noncommissioned officer, breaking restriction, unlawful possession of a weapon and assaulting a chief petty officer. Following these offenses you were tried by a third special court-martial for UA and sentenced to be confined at hard labor for three months, forfeiture of \$210 and a bad conduct discharge (BCD), however execution of the BCD was

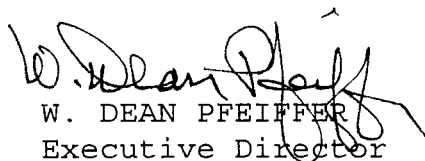
suspended and you were placed on probation. Unfortunately after being released from confinement you violated your probation by going UA for a fifth time. You received your BCD on 8 September 1964.

In its review of your application the Board concluded that in view of your repeated and serious acts of misconduct as well as your violation of probation your BCD was properly 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

Enclosure