



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

CRS
Docket No: 290-09
24 August 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 5 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.

The Board found that you enlisted in the Marine Corps on 27 March 1969. You received five nonjudicial punishments and were convicted by two summary courts-martial. The offenses included unauthorized absences, failure to obey a lawful order, possession of narcotic paraphernalia, assault on two Marines, willful disobedience of a lawful order, and disrespect.

On 27 March 1972 an administrative discharge board recommended that you be separated with an undesirable discharge by reason of unfitness due to frequent involvement with military authorities. After review by the discharge authority, the recommendation for separation was approved and on 3 May 1972 you were discharged with an undesirable discharge.

On 21 June 1976 you were issued a clemency discharge. That action restored your civil rights but did not entitle you to veteran's benefits.

The Board carefully considered your contention that your clemency discharge had the effect of upgrading your discharge to honorable. The Board noted that a clemency discharge is not equivalent to a general or honorable discharge, and concluded

that it would not be in the interest of justice to correct your record in such a manner that you would become entitled to veteran's benefits. 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