



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

TAL
Docket No: 00719-09
9 November 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 28 October 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 the evidence submitted was insufficient to establish the existence of probable material error or injustice.

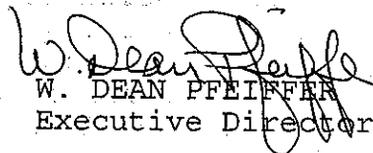
You enlisted in the Marine Corps and began a period of active duty on 28 July 1972 at age 18. On 3 June 1973, you received nonjudicial punishment (NJP) for a three day period of unauthorized absence (UA) and failure to obey a lawful order. On 7 June 1973, you received NJP for breaking restriction. On 13 December 1973, you were convicted by special court-martial (SPCM) of a 64 day period of UA and breaking restriction. On 12 June 1974, you were convicted by SPCM of a 59 day period of UA and sentenced to 105 days of confinement, forfeiture of pay, and a bad conduct discharge (BCD). You received the BCD after appellate review was complete.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the seriousness of your misconduct that resulted in two NJP's and two SPCM convictions. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

The Board also noted that you should contact Headquarters, United States Marine Corps, Deputy Chief of Staff for Manpower and Reserve Affairs, Separation and Retirement Section (MMSR-3), 3280 Russell Road, Quantico, Virginia 22134-5103 to request that administrative corrections to your social security number and the date you entered active duty be made on your DD Form 214.

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