



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

SJN  
Docket No: 00989-09  
20 November 2009

[REDACTED]  
[REDACTED]  
[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 17 November 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, his 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.

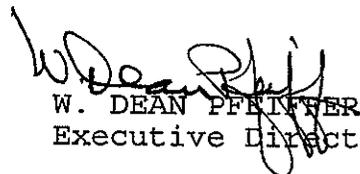
You enlisted in the Marine Corps and began a period of active duty on 27 March 1963 at age 17. During the period from 26 March 1964 to 5 January 1966, you received nine nonjudicial punishments (NJP's) for four instances of failure to go to your appointed place of duty, three instances of disobedience, a brief unauthorized absence (UA), breaking restriction, disrespect, absence from your appointed place of duty, and sleeping on watch. On 26 February 1966, you were convicted by special court-martial (SPCM) of sleeping on watch while being posted as a sentinel against possible enemy forces. You received confinement and a forfeiture of pay. On 29 April and 20 May 1966, you were convicted by summary court-martial (SCM) of two periods of UA totaling 16 days. On 2 November 1966, you received a tenth NJP for a brief UA. On 20 December 1966, you were convicted by a second SPCM of a 14 day period of UA and failure to go to your appointed place of duty. You were sentenced to confinement at hard labor, a forfeiture of pay, and a bad conduct discharge. However, the BCD was suspended for the period of confinement, and six months thereafter. You were released from confinement and restored to duty.

On 31 May and 25 July 1967, you received two additional NJP's for disobedience and two instances of absence from your appointed place of duty. On 7 August 1967, you began another period of UA that lasted 14 days, ending on 21 August 1967. The probationary period of your BCD was terminated, and you received an other than honorable discharge.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, overall record of service, Vet Center letter dated 13 September 2007, Oakland Psychological Clinic letter, and Vietnam service. Nevertheless, the Board found that these factors were not sufficient to warrant recharacterization of your discharge given the 12 NJP's, two of which were imposed after you were given an opportunity to earn a better characterization of service, two SCM convictions, and convictions by SPCM for very serious offenses. 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

Copy to:

Oakland County Michigan  
Department of Public Services