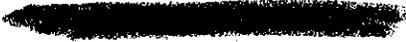




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

BAN
Docket No: 1863-09
4 December 2009



This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, 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 2 December 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 on 17 September 1973, and served without disciplinary incident until 30 November 1973, when you received nonjudicial punishment (NJP) for failure to obey a lawful order.

Shortly thereafter, you received the following disciplinary actions: on 27 September 1974, you were convicted at a special court-martial (SPCM) for an unauthorized absence (UA) in excess of five months; on 2 April 1975, you received NJP for UA (nine days); on 12 August 1975, for two specifications of UA, totaling 20 days; and on 4 September 1975, for failure to obey a lawful order.

Therefore, you were recommended for administrative separation with an undesirable discharge (UD) due to being unfit for

military service, and you exercised your right to request an administrative discharge board (ADB). The ADB voted to separate you due to being unfit for military service with a UD. The separation authority approved the recommendation and on 24 September 1975, you were separated for being unfit for military service with a UD and an RE-4 reenlistment code.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and the passage of time. Nevertheless, the Board concluded these factors were not sufficient to warrant changing the characterization of your discharge due to the seriousness of your misconduct. 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 PREKTER
Executive Director