



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

REC
Docket No: 01979-09
10 December 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 9 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.

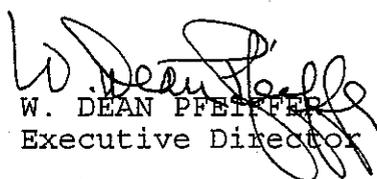
You enlisted in the Marine Corps on 1 March 1973, at the age of 18. On 26 November 1973, you received nonjudicial punishment (NJP) for two instances of disobeying a lawful order and being disrespectful in language. On 21 December 1973, you received NJP for disobeying an order. On 14 February 1974, you received NJP again for disobedience, and being absent from your appointed place of duty. On 11 June 1974, you were convicted at a special court-martial (SPCM) for being in an unauthorized absence status for a three day period, leaving your appointed place of duty on two occasions, being disrespectful in language on two occasions, assault and five instances of disobeying a lawful order. You were sentenced to a forfeiture of \$600, confinement at hard labor for five months and a bad conduct discharge (BCD). On 24 June 1975 you began appellate leave. The discharge authority directed the execution of your BCD. On 1 October 1975, after appellate review, you were so discharged.

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 your record of four NJP's and conviction

by SPCM. 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