



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

TAL
Docket No: 02735-09
29 December 2009

[REDACTED]

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 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.

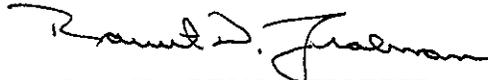
You enlisted in the Marine Corps Reserve on 13 October 1972 at age 20. On 30 July 1974, you were issued a letter of intent from your commanding officer citing your unsatisfactory drill attendance. You were absent from 15 drills from October 1973 through May 1974 and four drills were unsatisfactory due to improper haircuts. Your commanding officer forwarded a recommendation to the Commandant of the Marine Corps (CMC) to have you assigned to involuntary active duty. CMC approved the recommendation and on 5 December 1974 you were directed to involuntary active duty for a period of 17 months. On 7 July 1975, administrative separation action was initiated by reason of unsuitability. Your commanding officer (CO) recommended that you be discharged under honorable conditions. The recommendation stated in part, that you had shown an attitude of negligence and tended to shirk any duties assigned to you. Without constant supervision you seemed to be unable to complete any assignments and could not be trusted for anything of importance. On 8 July 1975, you waived your right to submit a statement. On 28 July

1975 the separation authority approved your CO's recommendation and on 5 August 1975, you were separated with a general discharge.

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. The Board also believed that you were fortunate to receive a general discharge in light of your numerous acts of 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 PFEIFFER
Executive Director