



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

SJN
Docket No: 04100-09
11 March 2010

[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 March 2010. 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.

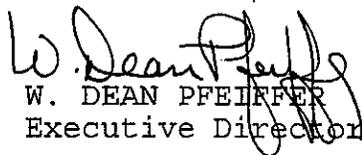
After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 16 August 1967 at age 23. On 18 December 1967, you received nonjudicial punishment (NJP) for two days of unauthorized absence (UA). On 26 March 1968, you were convicted by special court-martial (SPCM) of 67 days of UA. You remained on active duty and based on the information currently contained in your record it appears that during the period from 13 April to 12 September 1970, you had two period of UA totaling 80 days. On 3 February 1971, you were convicted by civil authorities of 10 instances of forgery and sentenced to 18 months in prison. On 23 March 1971, you were notified of pending administrative discharge action. You elected to consult with legal counsel and requested an administrative discharge board (ADB). On 13 May 1971, an ADB found that you had committed misconduct due to civil conviction and recommended that you be separated from the service with an undesirable discharge due to unfitness. Subsequently, your case was forwarded, and on 1 June 1976 the separation authority approved the recommendation for an undesirable discharge. You were so discharged on 1 June 1971.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your misconduct that resulted in NJP, civil conviction, and ensuing incarceration for 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