



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

TJR
Docket No: 7490-09
11 June 2010

[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 June 2010. The names and votes of the members of the panel will be furnished upon request. 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 11 March 1968 at age 17 and served for about seven months without disciplinary incident. However, on 2 October 1968, you received nonjudicial punishment (NJP) for a 14 day period of unauthorized absence (UA).

On 7 March 1969 you were convicted by civil authorities of trespassing and sentenced to a \$25 fine. Shortly thereafter, on 27 March 1969, you received NJP for an eight day period of UA. On 18 December 1969 you were convicted by special court-martial (SPCM) of failure to obey a lawful order and a 143 day period of UA. You were sentenced to confinement at hard labor for three months, restriction for 60 days, reduction to paygrade E-1, and a \$150 forfeiture of pay.

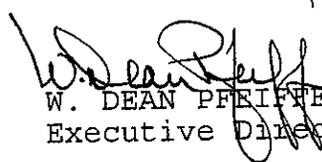
On 14 February 1970 you began another period of UA that was not terminated until you were apprehended by civil authorities on 11 April 1970. The record does not reflect the disciplinary action taken, if any, for this 56 day period of UA.

Subsequently, you were processed for an administrative separation by reason of unfitness due to frequent involvement of a discreditable nature with military and/or civilian authorities. After waiving your procedural rights to legal counsel and an administrative discharge board (ADB), your commanding officer recommended discharge under other than honorable conditions by reason of unfitness due to frequent involvement of a discreditable nature with military authorities as evidenced by your record of NJPs and a SPCM. The discharge authority approved this recommendation and directed your commanding officer to discharge you under other than honorable conditions by reason of misconduct, and on 12 June 1970, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. It also considered your assertion that you were a victim of a breach of contract with the Marine Corps because of promises made by recruiters. Nevertheless, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repeated misconduct in both the military and civilian communities, and your repetitive and lengthy periods of absence from the Marine Corps. Finally, there is no evidence in the record, and you submitted none, to support your assertion. Accordingly, your application has been denied.

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