



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

TAL  
Docket No: 11385-09  
16 August 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 4 August 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.

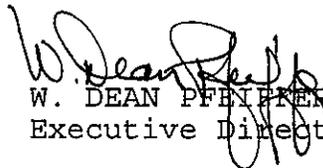
You enlisted in the Marine Corps and began a period of active duty on 10 July 1969 at age 18. You received nonjudicial punishment (NJP) on two occasions for failure to go to your appointed place of duty and unauthorized absence (UA) from your unit for a period of four days. You were convicted by summary court-martials on two occasions of disrespect toward a superior commissioned officer, willfully disobeying a lawful order, insubordinate conduct toward a noncommissioned officer, and assault. On 8 April 1971, you were convicted by special court-martial (SPCM) of UA from your unit for a period of 21 days and insubordinate conduct toward a noncommissioned officer by striking him in the face. The sentence imposed was confinement for four months, forfeiture of pay and a bad conduct discharge (BCD). You waived your right to request restoration to duty and requested execution of the BCD. You received the BCD after appellate review was complete.

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 that

resulted in two NJPs two SCMs and a SPCM. Finally, the Board noted that you waived your right to request restoration to duty in the Marine Corps and requested execution of the BCD. 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