



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

SJN
Docket No: 12413-09
2 September 2010

[REDACTED]

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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 31 August 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 and began a period of active duty on 7 May 1962. The Board found that during the period from 3 September 1963 to 21 December 1965, you received nine nonjudicial punishments (NJP's), were convicted by two special courts-martial (SPCM's), one summary court-martial (SCM), and sentenced to 37 days in jail by civil authorities for the sale of government firearms. On 29 March 1967, you were convicted by a general court-martial (GCM) of a 63 day period of unauthorized absence (UA). You were sentenced to confinement at hard labor, and a bad conduct discharge (BCD). You received the BCD on 19 September 1967 after appellate review was completed.

The Board, in its review of your record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, based on the information currently contained in your record, the Board concluded these factors were not sufficient to warrant

recharacterization of your discharge given your nine NJP's for numerous infractions, SCM, two SPCM's for very serious offenses, civil conviction for a serious offense, and especially your GCM for a period of UA that lasted over two months, which ended in your apprehension. 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