



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

REC
Docket No: 13314-09
16 September 2010



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 15 September 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 on 7 September 1972, at the age of 18. On 19 January 1973, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for two days. On 12 February 1973, you received NJP for being UA for three days. On 17 May 1973, you received NJP for three incidents of UA totaling 21 days. On 24 February 1974, you received NJP for being UA eight days. Between 15 March and 29 July 1974, you were in a UA status on three occasions, totaling 122 days. No disciplinary action was taken. On 22 November 1974, you were convicted by a summary court-martial (SCM) for being UA for 48 days. You were sentenced to forfeitures of \$127, reduction in pay grade and confinement at hard labor for 30 days. You were notified that administrative discharge procedures were initiated and that you would receive a reenlistment code of RE-4 upon your separation. The discharge authority directed a general discharge. You were so discharged on 27 March 1975.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity. However, the Board found that these

factors were not sufficient to warrant any change in your character of service, given your record of four NJP's and one SCM for misconduct. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable conditions is often directed when an individual is found to have committed 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