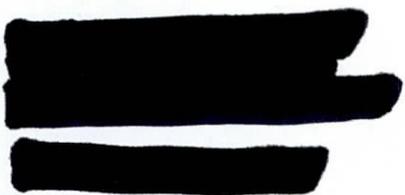




DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TAL
Docket No: 097-10
12 October 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 6 October 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 22 June 1970 at age 19. You received nonjudicial punishment (NJP) on four occasions from 29 September 1970 through 5 December 1972 for three instances of failure to go to your appointed place of duty, disorderly conduct in the barracks, and two instances of disobeying a lawful order. After your fourth NJP, you were counseled regarding your misconduct and warned that further offenses could result in administrative separation. On 1 June 1973, you were notified of the recommendation that you be discharged by reason of unsuitability due to character and behavior disorder with a general discharge. On 21 June 1973, you received your fifth NJP for breach of peace and failure to go to your appointed place of duty. On 2 July 1973, the separation authority approved the general discharge, but the execution of the discharge was suspended for a period of one year. On 30 July 1973, you again received NJP for disobeying a lawful order, breaking restriction, failure to pay your just debts, and unauthorized absence from your appointed place of duty. On 14 August 1973 the separation authority vacated the suspension, subsequently; you were separated by reason of unsuitability with

a general discharge. On 21 August 1973 you were so discharged.

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 six NJPs. The Board noted that, although your separation was suspended for 12 months, it was vacated due to your continued 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