



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

SJN
Docket No: 00239-10
18 October 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 13 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 5 October 1972. The Board found that you received nine nonjudicial punishments (NJP's) and were convicted by special court-martial (SPCM). Your offenses included two specifications of unauthorized absence, seven specifications of disobedience, making a false official statement, missing movement, malingering, breaking restriction, and destruction of government property. Subsequently, you were notified of pending administrative separation action by reason of misconduct due to frequent involvement of a discreditable nature with military authorities. You elected to consult counsel and have your case heard before an administrative discharge board (ADB). On 10 June 1974, the ADB unanimously recommended separation with an other than honorable discharge due to unfitness. Your commanding officer concurred with the ADB's findings and forwarded his recommendation that you be discharged. On 17 June 1974, the discharge authority directed an other than honorable discharge due to unfitness. You were so discharged on 21 June 1974.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth and record of service. Nevertheless, the Board found that these factors were not sufficient to warrant any change in your discharge given your nine NJP's and conviction by SPCM. 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