



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

REC
Docket No: 01135-10
4 November 2010



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 3 November 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 31 May 1968, at the age of 18. On 27 February 1969, you received nonjudicial punishment (NJP) for two instances of being absent from your appointed place of duty, failure to go to your appointed place of duty and three instances of failure to obey a lawful order. On 13 June 1969, you were convicted at a special court-martial (SPCM) of being in an unauthorized absence (UA) status for 35 days. You were sentenced to a forfeiture of \$210, and confinement at hard labor for three months. On 26 November 1969, you were convicted at a general court-martial (GCM) of escaping from lawful confinement, and being UA for 83 days. You were sentenced to a forfeiture of all pay and allowances, ten months confinement at hard labor, and a bad conduct discharge (BCD). The discharge authority directed the execution of your BCD. On 22 May 1970, after appellate review, 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 your record of one NJP and convictions by a SPCM, and a GCM. 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