



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

TJR  
Docket No: 4755-09  
26 April 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, 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 20 April 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.

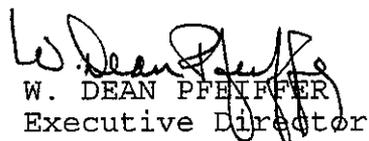
You enlisted in the Marine Corps on 12 March 1976 at age 17 and began a period of active duty on 29 March 1976. You served for about four months without disciplinary incident, but during the month of August 1976, you received nonjudicial punishment (NJP) on three occasions for assault, two specifications of disobedience, and a three day period of unauthorized absence (UA).

On 6 April 1977 you were convicted by special court-martial (SPCM) of two periods of UA totalling 52 days. You were sentenced to confinement at hard labor for four months, a \$992 forfeiture of pay, and a bad conduct discharge (BCD). Subsequently, you submitted a written request for immediate execution of the BCD. In June 1977 the BCD was approved at all levels of review, and on 24 June 1977 you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to upgrade your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your misconduct and your lengthy periods of UA from the Marine Corps which resulted in three NJPs and a SPCM. 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 PFENFFER  
Executive Director