



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

TAL
Docket No: 6291-10
25 March 2011

[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 17 March 2011. 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 8 February 1966 at age 17. On 24 October 1968, you were convicted by special court-martial (SPCM) of unauthorized absence (UA) from your unit for a period of 74 days. The sentence imposed was confinement for thirty days and a forfeiture of pay. The convening authority suspended the confinement for three months. On 19 April 1967, you were convicted by SPCM of UA from your unit for a period of 91 days and missing ship's movement. The sentence imposed was confinement for two months and a forfeiture of pay. On 22 November 1967, you were again convicted by SPCM of UA from your unit for a period of 63 days. The sentence imposed was confinement for three months, a forfeiture of pay and a bad conduct discharge (BCD). The convening authority suspended the discharge for a period of nine months. On 15 January 1968, you were again UA from your unit for a period of 133 days, until you were apprehended by the Federal Bureau of Investigation in St. Paul, Minnesota, on 28 May 1968. On 17 July 1968, the convening authority vacated the BCD and on 22 October 1968 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 three SPCM convictions and periods of UA that totaled over 11 months. Finally, the Board noted that you waived your right to request restoration to duty and requested execution of the discharge. 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