



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

TJR
Docket No: 7585-10
27 May 2011



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 24 May 2011. 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 18 April 1967 at age 17. You served without disciplinary incident until 7 May 1968, when you received nonjudicial punishment (NJP) for assault. About eight months later, on 8 November 1968, you received NJP for a 16 day period of unauthorized absence (UA). On 7 December 1968 you were referred for an evaluation to determine your fitness for duty. You were diagnosed with a character and behavior disorder as evidenced by your emotionally unstable personality and recommended for an administrative separation.

On 5 February 1969 you began a period of UA that was not terminated until you were apprehended by civil authorities, specifically, the Federal Bureau of Investigation on 7 May 1969. During this period of UA you were also declared a deserter. However, the entry of desertion was removed from the record and the period of UA was referred for trial by court-martial. On 23

May 1969 you were convicted by special court-martial (SPCM) of a 91 day period of UA and sentenced to reduction to paygrade E-1 and confinement at hard labor for four months. Subsequently, you were processed for an administrative separation by reason of unsuitability due to the diagnosed character and behavior disorder. The discharge authority directed discharge under honorable conditions, and on 19 September 1969, you were issued a general discharge.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct average was 3.6. An average of 4.0 in conduct was required at the time of your separation for a fully honorable characterization of service.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and desire to remove your periods of UA from your record which also includes the entry regarding desertion. Nevertheless, the Board concluded these factors were not sufficient to warrant relief in your case. You are advised that the entry regarding the "mark of desertion" is not reflected in your record, and there is sufficient evidence to support keeping your lengthy period of UA, for which you were convicted by SPCM, in the record. 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 PFEIFFER
Executive Director