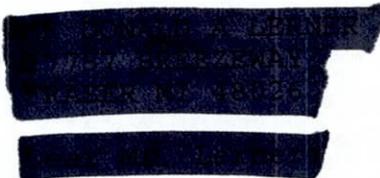




DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TAL  
Docket No: 8267-10  
15 April 2011



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 April 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 29 September 1970 at age 19. On 6 April 1972, you were convicted by special court-martial (SPCM) of unauthorized absence (UA) from your unit for a period of 295 days. The sentence imposed was confinement for five months, a forfeiture of pay, reduction in paygrade and a bad conduct discharge (BCD). The convening authority suspended three months of the confinement for six months. On 27 July 1972, you received nonjudicial punishment (NJP) for UA from your unit for one day. On 12 March 1973, you were convicted by SPCM of UA from your unit for a period of 133 days. The sentence imposed was confinement for five months, a forfeiture of pay and a second BCD. You then request immediate execution of your discharge. On 20 November 1973, you received the BCD after appellate review was complete.

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 one NJP, two SPCM convictions and periods of UA that totaled over one year and two 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