



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

REC
Docket No: 10506-10
21 July 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 20 July 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.

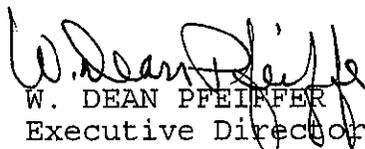
You enlisted in the Marine Corps and began a period of active duty on 14 April 1965. On 13 September 1965, you received nonjudicial punishment (NJP) for being in an unauthorized absence (UA) status for one day. On 22 September 1965, you were convicted by a summary court-martial (SCM) of sleeping on post, and breaking restriction. You were sentenced to a forfeiture of \$50, and confinement at hard labor for 15 days. On 4 September 1967, you were convicted by a special court-martial (SPCM) of sleeping on post. You were sentenced to a forfeiture of \$180, reduction in pay grade, and confinement at hard labor for six months. On 20 September 1967, you were convicted by a SPCM of being UA for 45 days. You were sentenced to a forfeiture of \$207, and confinement at hard labor for three months. On 6 March 1968, you were convicted by a third SPCM of being UA on three occasions totaling 65 days, and violating a general regulation. You were sentenced to a forfeiture of \$390, confinement at hard labor for six months, and a bad conduct discharge (BCD). On 19 March 1968, your commanding officer informed his chain of command that you had been charged with possession of 1.2 grams of

marijuana while a prisoner in the brig. The discharge authority directed the execution of your BCD. On 20 August 1968, after appellate review, you received a BCD. At that time you were assigned an RE-4 reenlistment code.

The Board, in its review of your application, carefully weighed all potentially mitigating factors, such as your youth, conduct, and overall record of service. Nevertheless, the Board found that these factors were not sufficient to warrant changing the characterization of your discharge, given your record of one NJP, one conviction by a SCM, and three SPCM's convictions of misconduct. You are advised that an RE-4 reenlistment code is required when an individual is discharged by court-martial conviction and is not recommended for retention. 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