



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

TJR
Docket No: 10990-10
20 July 2011

[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 19 July 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 4 January 1971 at age 17. You served for nearly a year without disciplinary incident, but during the period from 3 January to 18 August 1972, you received nonjudicial punishment (NJP) on four occasions for four periods of unauthorized absence (UA) totalling 106 days. About six months later, on 16 February 1973, you were convicted by special court-martial (SPCM) of two periods of UA totalling 107 days and missing the movement of your unit. You were sentenced to confinement at hard labor for 75 days and a \$450 forfeiture of pay. The confinement was suspended for six months.

During the period from 6 March to 21 May 1974 you received three more NJPs for two periods of absence from your appointed place of duty and a 59 day period of UA. On 22 July 1974 you were convicted by summary court-martial (SCM) of a 61 day period of UA and sentenced to a \$216 forfeiture of pay and confinement at hard labor for 30 days.

Subsequently, you were processed for an administrative separation by reason of misconduct and unfitness due to frequent involvement of a discreditable nature with military authorities. After waiving your procedural rights, the discharge authority directed your commanding officer to issue you an other than honorable discharge, and on 20 September 1974, you were so discharged.

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, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive lengthy and frequent periods of UA from the Marine Corps which resulted in seven NJPs and two court-martial convictions. Further, you were given an opportunity to defend yourself, but waived your procedural right to present your case to an administrative discharge board. 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