



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

TJR
Docket No: 11629-10.
18 August 2011

[REDACTED]

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 16 August 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.

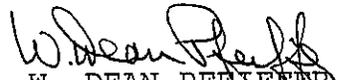
You reenlisted in the Marine Corps on 24 July 1969 after two years of prior honorable service. You continued to serve without disciplinary incident until 19 January 1970, when you were convicted by summary court-martial (SCM) of a 57 day period of unauthorized absence (UA). You were sentenced to a \$100 forfeiture of pay, confinement at hard labor and restriction for 45 days, and reduction to paygrade E-4.

On 30 March 1972 you were convicted by general court-martial (GCM) of a 160 day period of UA and sentenced to confinement at hard labor for seven months, a \$525 forfeiture of pay, reduction to paygrade E-1, and a bad conduct discharge (BCD). On 18 March 1972 you submitted a written request for immediate execution of the BCD in which you stated, in part, that you did not desire restoration to duty, but requested clemency in the form of a general discharge. Nonetheless, the BCD was subsequently approved at all levels of review, and on 26 January 1976 you were issued a BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your prior satisfactory service, post service conduct, and desire to upgrade your discharge. Nevertheless, these factors were not sufficient to warrant recharacterization of your discharge because of the seriousness of your repetitive misconduct and lengthy periods of UA from the Marine Corps which resulted in two court-martial convictions. 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