



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

BJG  
Docket No: 11738-10  
23 August 2011

[REDACTED]

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This is in reference to your application for correction of your late husband's 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 23 August 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 late husband's naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

Your late husband enlisted in the Marine Corps and entered active duty on 16 July 1963. He received nonjudicial punishment on four occasions, and was convicted by three special courts-martial (SPCM). His offenses included three specifications of unauthorized absence (UA) totaling 17 days, larceny of a knife, wrongful appropriation, failure to obey a regulation, and assault with a dangerous weapon. On 12 October 1966, he pled guilty at his third SPCM and was convicted of a 58 day period of UA. His sentence included a bad conduct

discharge (BCD). On 9 February 1967, after appellate review, he received the BCD.

The Board, in its review of your late husband's entire record, carefully considered all potential mitigation, such as his youth and Vietnam service. Nevertheless, the Board concluded that these factors were not sufficient to warrant upgrading his discharge due his numerous acts of misconduct. In view of the above, 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